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CONTINUATION
OF THE
H I S T O R Y
OF THE
PROVINCE
OF
MASSACHUSETTS BAY,

FROM THE YEAR 1748.

WITH AN
INTRODUCTORY SKETCH OF EVENTS FROM
ITS ORIGINAL SETTLEMENT.



By GEORGE RICHARDS MINOT,
Fellow of the American Academy of Arts and Sciences, and
Member of the Massachusetts Historical Society.



VOL. I.

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TO
JOHN ADAMS, LL. D.
PRESIDENT,
JOSEPH WILLARD, D. D. LL. D.
VICE-PRESIDENT;
The COUNSELLORS and FELLOWS
OF THE
AMERICAN ACADEMY
OF
ARTS AND SCIENCES;
THE FOLLOWING
W O R K
IS MOST RESPECTFULLY

Dedicated,

BY THEIR HUMBLE SERVANT,

GEO. R. MINOT.

C O N T E N T S.

C H A P. I.

<i>CAUSES of settling New-England---Observation on the characters of the first planters---Council of Plymouth---Charter of Charles I.---Laws, punishments, and judicial Courts---Ecclesiastical system---General observation on the whole</i>	9
---	---

C H A P. II.

<i>Loss of the Charter</i>	35
----------------------------	----

C H A P. III.

<i>Andross's administration---Charter of William and Mary---Controversies about the instructions for settling and fixing the Governor's salary</i>	53
--	----

C H A P. IV.

<i>Military character of the people---Philip's war---Various expeditions---Taking of Cape Breton in 1745---Peace of Aix-la-Cappelle in 1748</i>	63
---	----

C H A P. V.

<i>Debt of the Province---Origin and progress of Paper Money---Land Bank---Bills of credit redeemed---Proceedings of the House of Representatives in the case of James Allen, Esquire---Drought---Conference with the Delegates from the Penobscot Indians</i>	81
--	----

C H A P. VI.

<i>Governor Shirley embarks for England---Affairs pending there---Peace with the Penobscot Indians---Dispute with the Pigwackets settled---Claims of France and England to Nova-Scotia---Military operations there---Society for promoting industry---Proposals for sending Bishops to America---A quarrel with Indians at Wiscasset---</i>	
---	--

CONTENTS.

<i>casset</i> --- <i>Attack upon the Eastern settlements by the Canadian Indians</i> --- <i>Law prohibiting Theatrical Entertainments</i> --- <i>Expense of the civil list</i>	-	110
--	---	-----

CHAP. VII.

<i>Act of Parliament for restraining bills of credit in the Colonies</i> --- <i>Complaint of the West-Indian sugar planters against the Northern Colonies</i> --- <i>Cessation of hostilities against the Eastern Indians</i> --- <i>Measures for civilizing the Mohawks</i> --- <i>Controversy respecting the right of appointing the Attorney-General</i> --- <i>Act of Parliament to prevent the erecting of Slitting-mills</i> --- <i>Small-Pox</i> --- <i>Conference with the Eastern Indians</i> --- <i>Governor Shirley returns</i> --- <i>The Treaty with the Indians renewed</i>		145
---	--	-----

CHAP. VIII.

<i>Comparative view of the policy, situation, and claims of the French and English in America</i> --- <i>Hostilities commenced between them in the Western Territory</i> --- <i>Expedition to Kennebeck</i> --- <i>The building of forts there</i>		175
--	--	-----

CHAP. IX.

<i>Meeting of Commissioners at Albany</i> --- <i>Their plan of Union</i> --- <i>Debates on it in the General Court</i> --- <i>Excise Bill</i> --- <i>Objections to it by the people</i> --- <i>Case of Daniel Fowle and others for publishing a Libel</i> --- <i>Indians invade Stockbridge</i>	- - - - -	188
---	-----------	-----

CHAP. X.

<i>The taking of the French forts in Nova-Scotia, and removal of the Neutrals</i>	- - - - -	216
---	-----------	-----

CHAP. XI.

<i>Plan of military operations for the year 1755</i> --- <i>Supply of the treasury</i> --- <i>Law prohibiting correspondence with the French settlements</i> --- <i>Answer to the Governor's message</i>		
--	--	--

message upon the subject of furnishing the regular troops with provisions---Causes operating to weaken the force of the British Colonies---Shirley departs for Oswego---War declared against the Eastern Indians---The Penobscots attacked - - - 228

C H A P. XII.

Braddock's defeat---Dieskau's unsuccessful attack upon the Provincials under General Johnson---General Court address the King and send Commissioners to Albany---The army sent against Crown-Point discharged---The attack upon Niagara frustrated---Observation on the military operations of the year---Earthquake - 248

C H A P. XIII.

Plan of operations for the year 1756---Governor Shirley returns to Boston---Observation on the resources of the British Colonies to maintain a war---Objections to the mode of opposing the French---General Court demand assistance from the crown---They agree to raise another army against Crown-Point---General Shirley recalled---Act of Parliament empowering foreign Protestants to serve as officers in America - 263

C H A P. XIV.

The army sent against Crown-Point joined by the regulars---Mode of acting together settled---Forts at Oswego taken by the French---The English army put on the defence---Reimbursement money arrives---Reinforcements ordered---Governor Shirley embarks for England---Conduct of the General Court towards him---His character---Campaign closed---Miscellaneous matters 280

P R E F A C E.

A SENSE of the obligation incumbent on every one, to devote his leisure time and means of information to some object of general utility, has excited this attempt to continue the History of Massachusetts Bay for a short period. As an effort of duty, it is offered without reserve; as a completion of the desired task, it will doubtless need many corrections, of which the writer could not avail himself until he had ventured upon the public attention: and, in this view, he presents it with apprehensions, and unbounded reliance on the reader's candour. The difficulty of historical research increases with the obscurity of the period treated of; and if fame or reward were to be preferred to the necessary labour of connecting a series of transactions, it is evident that a more brilliant and productive space of time might have been selected, where facts would have presented themselves from numerous and familiar records, and where reflection would have emanated from the interesting operation and magnitude of events. But the more remarkable and amusing eras are, for these, among other reasons, secure from oblivion, and it is only the barren tracts, where the springs of future important transactions lie thinly scattered, and which are necessary to be explored merely to connect more fruitful regions of instruction and amusement, that are in danger of neglect. In travelling through such a space, the passenger should be indulged to relieve himself by reviewing past scenes, and deviating into neighbouring and more pleasant departments, wherever the course of his subject will allow.

To

To pursue a chronological narrative, in all the variety of incidents which arise, general and local, permanent and transitory in their effects, many of them of that doubtful description which seems too trifling to be mentioned, and yet too important to be omitted, will necessarily occasion dissimilarity of style, and produce an unequal effect upon the reader. But it is not a romance, or a selected piece, that is to be narrated; it is a faithful and minute detail of occurrences in a country, young, secluded, and just impressing itself on the attention of the elder world.

It is to be regretted that a valuable source of information, the plantation-office in England, is not easily to be made use of here. Yet as it may never fall to the lot of the same person to avail himself of records and other documents in both countries, it is thought best not to suppress, on this account, the attainments made only in one. What is offered in a business of general concern is open to the examination of all, and he who is so fortunate as to obtain further and better means of knowledge, is under an obligation to correct the errors and add to the result of inquiries, confessedly made under partial advantages. The manner in which this may be done is more interesting to the reviewer, than to him who is the subject of observation; since the candour or severity of criticism, however it may affect the character of its author, cannot increase or diminish the merits of the work which he investigates.

January 1, 1798.



A

CONTINUATION OF THE HISTORY

OF THE

P R O V I N C E

O F

MASSACHUSETTS BAY.

CHAP. I.

Causes of settling New-England—Observation on the characters of the first planters—Council of Plymouth—Charter of Charles I.—Laws, punishments, and judicial Courts—Ecclesiastical system—General observation on the whole.



THE prevailing motive to the settlement of New-England, is generally known to have been an invincible desire and fixed resolution, to enjoy that most essential right of mankind, the free

B exercise

exercise of conscience in matters of religion. The reformation in England under Henry VIII. though founded ostensibly on the principle of purifying the Christian worship from the scandalous abuses of the Romish church, did not, in fact, seriously engage the royal interest further than it respected the supremacy of the Pope as the great ecclesiastical head of the kingdom. This point being gained, the principles of the real reformers had few patrons; and, as they were the enemies of despotic monarchy, to which the vanquished Catholics were not unfriendly, they became, at length, more persecuted by the government and hierarchy which sprung from the ruins of papal power, than even the votaries of the Pope himself. In the reign of Elizabeth, refusal to conform to the established church was first made punishable by severe fines, and then by death itself; and any unlawful assembly under colour of the exercise of religion, was forbidden on the same penalty.

Statutes
23 Eliz. ch. 1.
35 Eliza.
ch. 1. 2.

Upon the accession of her dissembling successor James I. the non-conformists, allured by the circumstance of his education among Presbyterians in Scotland, suffered their hopes

hopes to revive. But he demonstrated, as his predecessors had done, that the favourite religion of the crown was that which most favoured despotic power : and they found him so far from accommodating the discipline of the church to the ideas of Protestant non-conformists, that he established the canons, by which the Puritans or the most zealous of the reformers who were distinguished by that name, were subjected to excommunication ; that is, not only a suspension from church livings, but a disconnexion from the congregation of the faithful, an incapacity of suing for their debts, imprisonment for life, unless they made satisfaction to the church, denial of Christian burial, and, if we may use the words of an ardent writer, an exclusion as much as lay in the power of the court, from the kingdom of heaven.

Neale's History of the Puritans.

Such severities drove many valuable subjects from the kingdom into the Netherlands, and other countries of Europe ; and finally, so firmly were they attached to their form of religion, that a number who had fled to Holland, fearing the corrupting influence of other sects, conceived the adventurous idea of settling in America ; and actually arrived at
New-

New-Plymouth in the year one thousand six hundred and twenty.

The lot of the Puritans, who, at last, were composed both of the dissenters from the established church, and the opposers of despotic monarchy, and whose name was maliciously used by courtiers to include the most knavish enemies of either, was designated by a remarkable species of persecution. They were pursued by such relentless tyranny, as one would suppose, would be most gratified by driving them from their country and whatever is dearest to man, and yet were either too much respected or feared to be suffered even to banish themselves without molestation. Restrictions were laid upon their escape, and whilst some had fled to foreign countries, others were not so fortunate as to obtain this dreadful privilege, but were detained as hostages for the good conduct of their brethren abroad. The effects of the political and religious principles of the great body of this party who remained in England, were matured and unfolded in the subsequent reign, when monarchy was laid at their feet; and no wonder if the feelings of such of them as crossed the Atlantic, were commensurate with the ideas of those who were detained at home.

The

Rapin
A. D. 1608
& 1614.

The severity of religious persecution increased under Charles I. who was governed by the detestable maxims of archbishop Laud, which furnished further expedients for pursuing the Puritans. Among others, a system of sports and recreations on the Lord's day, which had been originated in the last reign, was revived and established by the King. This measure was directly calculated both to obviate the objections of the Roman Catholics to the suppression of feasts and revels, and to wound the feelings of the Puritans, and embarrass their clergy ; as they were remarkable for a strict attention to the fourth commandment, still so decently observed by their descendants. The magistrates had found these sports, which consisted of dancing, leaping, vaulting and various other games, to be introductory of profanation, and attempted to suppress them ; but, so great was the zeal of the court to root out puritanism (which, from the strict observation it enjoined of the Lord's day, they conceived tended to diminish the feast days of the church) that the representations of the magistrates were overruled, and the order establishing the book of sports was directed to be read in every parish. This was a net to entangle the clergy,
and

and many lost their livings for conscientiously refusing to read the order. In short, it became evident, in the star-chamber language of the Earl of Dorset, that to be guilty of drunkenness, uncleanness or any less fault might be pardonable; but that the sin of puritanism and non-conformity was without forgiveness.

In such a situation of affairs, when it was difficult to say whether tyranny triumphed most in church or state, a number of emigrants embarked for America, and settled at Salem in Massachusetts Bay, in the year one thousand six hundred and twenty-eight. They soon extended themselves to Boston and its neighbourhood, and the increasing troubles in England recruited their numbers, until they themselves became a stock for population, and began to colonize upon the river Connecticut.

In aid of an insurmountable desire of preserving the purity of their religion, and freely exercising the rights of conscience, these settlers admitted a spirit of commerce and agriculture as necessary to their plans. Merchants became associated with them: nor was it derogatory to the principles of their emigration to entertain a hope that,
whilst

whilst the cause of religion was served with so much hazard, success might also attend an honest attempt at husbandry and traffic. But the encouragement from this source was trifling indeed. The settlers at New-Plymouth were thrown upon a more northern and less promising shore than the place of their destination, and it does not appear that the company of Massachusetts Bay ever made any dividend of profits. To the spirit of religion therefore we must ascribe their perseverance. Had they been placed on the extensive waters of the St. Lawrence or the Hudson, where the articles of traffic were to be collected from immense and almost exhaustless regions, or in the more southern climates, where the spontaneous exuberance of the soil would promise an early return to the labours of the husbandman, the common motives of commerce and gain might be supposed to have effectually aided the spirit of emigration; but where neither of these existed, and instead of them sickness and famine were holding up the fate of preceding adventurers, the hope of enjoying in peace, what exceeded all earthly considerations in value, must have been the essential cause of their adhering so inflexibly to their perilous undertaking.

These

These being the causes which impelled the colonists of Massachusetts Bay to cross the Atlantic, let us sketch a few leading facts in their early history, and make some general observations upon them, in order to prepare ourselves for the more laborious and minute detail of that particular period, which is the professed subject of the present work.

Although the emigration of the American colonists from the different European nations eventually produced the noblest revolution in the minds of men and in political power that the world has ever witnessed, yet we must not be surprised to find its operation confined in the beginning, and its advances gradual in proportion to the greatness of the event which was to take place. The settlers in Massachusetts Bay, we have seen, left their parent country in an age when, comparing it with subsequent periods, it may rather be said that error was falling than that truth was established; when the rights of society were but unfolding, and kings, after having relieved their subjects from the more dreadful tyranny of aristocratic power, were grudgingly conceding, as privileges, what men afterwards understood to be their own, independent of royal favour; when religion

was

was but just emancipated from the hand of popery, and the relative importance of scholastic learning, and the mysteries of doctrine with respect to practical piety, had scarcely settled to their proper level ; and, above all, when the great revelation of 'preserving the spiritual and temporal kingdoms distinct, had not operated upon the reason of the European world.

It must not then be expected, that the great advantages derived from the settlement of this country to the civil and religious liberties of mankind, were wholly owing to the personal characters of the first planters : these indeed, were to a high degree exemplary, and the experience of the greatest abuses of political and ecclesiastical power, in their own case, had made them proper instruments to introduce a new system to the world. But they cannot be supposed to have been entirely uninfluenced by the habits and ideas of the country which they had left ; and among a long train of virtues, we are obliged to confess that, retaliating their injuries upon their persecutors, they did not give religious toleration her merited rank. Yet those who so boldly stepped out from an old society, filled
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with oppressions and distracted by persecutions, to the unbiassed government of themselves, and thus proved to mankind experimentally the whole extent of their claims to freedom ; although they might have but partially anticipated the benefits which they were about to deliver to posterity, and for a moment, might have taken a retrograde course in their progress to liberty, must nevertheless forever hold an envied station in the view of mankind.

After several grants of territory upon the continent of North-America had been made by the crown of England, and some attempts to settle it had proved ineffectual, King James I. in the eighteenth year of his reign, erected a body politic or Council in the town of Plymouth in the county of Devon, consisting of forty respectable adventurers. To them he granted New-England, including so much of that continent as lies from forty to forty-eight degrees of northern latitude, and as, continuing that breadth through the main land, extends from sea to sea. At the same time he gave to this body politic ample powers for the planting and governing of this territory, by laws agreeable to those of
the

the realm of England, as nearly as circumstances would permit. The Council of Plymouth thus established, in the third year of King Charles I. granted the country which may be called Massachusetts proper, extending from three miles northward of Merrimack River to three miles southward of Charles River, unto Sir Henry Roswell and others, who also received a charter from that King confirming their grant, and vesting them with powers of jurisdiction over the country.

March 19
3d. yr. ch. 1.

4th. March
4th. yr. ch. 1.

This charter, from the omissions of several powers necessary to the future situation of the Colony, shows us how inadequate the ideas of the parties were to the important consequences which were about to follow from such an act. The Governor, with the assistants and freemen of the company, it is true, were empowered to make all laws not repugnant to those of England; but the power of imposing fines, mulcts, imprisonment or other lawful correction, is expressly given according to the course of other corporations in the realm; and the general circumstances of the settlement, and the practice of the times, can leave us no doubt that this body politic was viewed rather as a trading company

pany residing within the kingdom, than, what it very soon became, a foreign government exercising all the essentials of sovereignty over its subjects. The removal of the charter to Massachusetts Bay began to unfold the defects of it, and the consequences of the settlement there. So many of the inhabitants were made free of the company, that it became impossible for the whole to act in making the laws, and hence arose the necessity, perhaps too the first idea, of a representative body among them. This they created of their own motion in six years after the grant of their charter, which was wholly silent upon so important an institution. The highest act of sovereign authority likewise became necessary to be exercised upon criminals in the privation of life, concerning which the charter made no mention : but the government undertook to inflict capital punishments without recourse to the crown for additional powers. In the same manner did they supply a defect of authority to erect judicatories for the probate of wills ; to constitute courts with admiralty jurisdiction ; to impose taxes on the inhabitants ; and to create towns and other bodies corporate.

All

All authority being thus given by the people, and exercised by the government of their own electing, in the form prescribed by the charter for every necessary purpose of society, there seemed to be nothing but the force of habits and prejudices, formed in England, to preserve distinctions and unequal privileges among the classes of citizens; and little more than an undefined allegiance to the King, the form of swearing to which the Colony dared to dispute, to prevent its being an independent republic. Many dignified characters were aware of this; and, appalled at the hazard of losing their superiority, so much more surely recognized by the constitution of the mother country, declined embarking for this unsettled world.*

But such was the force of these habits and prejudices, and so prone are mankind to place unlimited confidence in their government, when unprovoked by the usurpation and abuse of power, that the people of Massachusetts may be said to have submitted to a system of laws by which the freedom of action

* See certain proposals made by Lord Say and other persons of quality, as conditions of their removing to New-England. Hutch. Vol. I. Appendix, No. 2.

tion was abridged, and to have voluntarily yoked themselves to an ecclesiastical authority, by which the rights of conscience lost, for a time, the very principles that their emigration had avowed. It would ill become the descendants of these adventurous heroes to look back with reproach upon institutions from which they are now deriving the most transcendent blessings ; but it would still more ill become them to show a distrust of the prevailing merits of their ancestors, by an attempt to conceal defects which are incident to human affairs ; defects too so exceedingly overbalanced, upon the whole, by wisdom, perseverance and success. Let us then observe, that having their own government secured by the right of election, all their fears arose from that of England ; and being of the same sentiments with their clergy, they seemed to contemplate no encroachments upon their religious privileges but from the hierarchy there. Common misfortune and danger having united them at this early period in opinion and interest, the government became rather a voluntary effort of self preservation, than an imposing act of authority. The great refinement of securing the rights of the minority was not searched for where all were agreed ; and whilst the community was unrestrained
by

by foreign tyranny, the idea of its becoming an instrument of oppressions within itself, was not presented strikingly to view. The general freedom was the first object; it remained for posterity, by the checks and divisions of power which have since been more fully adopted in political constitutions, to guard against evils which the highest mutual confidence, and a common exertion to preserve the enjoyment of their own religious opinions, the only expected reward of all their labours, prevented our forefathers from anticipating.

A body of men receding from the established government and religion of a country, cannot be supposed to have carried with them any great affection for its laws, nor to have been provided with many assistants professionally skilled in its judicial institutions. The want of such counsel is acknowledged by the General Court, and had they been possessed of all the jurisprudence of the old world, the peculiarity of their situation would have rendered it a partial directory. Under such circumstances, the immediate exigencies of their affairs could not but dictate local regulations; and the general principles of government would

Introduction
to the laws
revised 1649
and printed
1660.

would naturally be suggested from that respected guide of their consciences and morals, which they had followed through so many trials. They therefore adopted the Bible as their principal code of law, and declared as an article in their bill of rights, that no man should suffer but by an express law sufficiently published, yet in case of a defect of law in any particular instance, *by the word of God.*

It is obvious to all in the present age, that the peculiarities of the Jewish nation must render their jurisprudence inapplicable, in a variety of instances, to a people so differently circumstanced; and the rights of individuals could gain nothing by neglecting the experience of mankind in former judicial proceedings, where they were in any degree similar to the cases which might arise. The code of laws became marked with many additional capital crimes, unknown as such to those of England; and smaller offences were multiplied with rigorous exactness. As this severity had for its object an exemplary purity of morals and religion, which should extend to every person in society, it, of course, reached the more private actions of its members, and included all the relationships subsisting between them.

Their

Laws printed 1660.

Their capital offences were idolatry, witchcraft, blasphemy, murder, bestiality, sodomy, adultery, man-stealing, bearing false witness, conspiracy and rebellion, cursing or smiting a parent unless when neglected in education, or provoked by extreme and cruel correction, rebellious and stubborn conduct in a son, disobeying the voice and chastisement of his parents, and living in notorious crimes, rape and arson; other offences were also made capital upon a second or third conviction, and the degree of the offence was, in some instances, increased by the circumstance of its being committed on the Sabbath.

In the inferior classes of crimes were many peculiar to the situation of the Colony, especially with regard to sumptuary regulations, and the enforcing of industry. In these there are strong proofs of the disposition which prevailed, of shewing respect to particular descriptions of families, by distinctions in their favour.

Their punishments bore a resemblance to the general rigour of their penal code, and were sometimes, even in capital cases, left to the discretion of their judges. There is a

Id. page 67.

D

law

law on the subject of torture, which is a stain rather upon the volume in which it is recorded, than upon the practice of the country; to the honour of which it may be said, that the use of this statute has been so little contemplated, that it became wholly obsolete. This law prohibits torture generally, but excepts any case in which the criminal is first fully convicted by clear and sufficient evidence; after which, if it be apparent from the nature of the case, that there be confederates with him, he may be tortured, yet not with such tortures as are barbarous and inhuman. The very terms of this statute seem to disarm it of the power of injuring, and would render it, if it were in force, a less dreadful engine of inhumanity, than the *peine forte et dure* of the English law.

The rigour of justice extended itself as well to the protection of the rights of property, as to the moral habits of the people; and a remarkable instance of this is shewn in the power given to creditors over the persons of their debtors. The law admitted of a freeman's being sold for service to discharge his debts, though it would not allow of the sacrifice of his time, by his being kept in prison, unless some estate was concealed.

The

The Governor and Assistants were the first judicial court; to this, inferior jurisdictions were added; and, upon the House of Representatives coming into existence, the judicial authority was shared by them, as (in the words of their law) the second branch of the chief civil power of this Commonwealth. The subordinate jurisdictions were the individual magistrates, the commissioners of towns, and the county courts. These seem, in some sense, to have acted as the deputies of the General Court, since in difficult points, they were allowed to state the case without the names of the parties, to that court, and receive its declaration of the law.

The perpetual controversy incident to dividing power among several orders disproportionate in their numbers, took place between the Assistants and Representatives. Whether they should vote in separate bodies or collectively, became a serious dispute. As, by a defect in the constitution, they held both legislative and judicial authority, it was at last compromised, that, in making the laws, the two Houses should vote separately, with a negative upon each other; but, in trying causes, in case they should differ in this mode, they should proceed to determine the question by voting together.

See laws
A. D. 1643
to 1653.

As

As in their government hereditary claims were rejected, their public officers being all periodically chosen from the body of the free-men, and without regard to distinct orders, so in the descent and distribution of the real and personal estates of intestates, the exclusive claim of any one heir was not admitted, but equal division was made among all, reserving only to the eldest son a double portion. This, especially in case of a numerous family, which is not an uncommon instance in a young country, effectually prevented the undue accumulation of property. These two regulations may be said to be the great pillars, on which republican liberty in Massachusetts is supported.

There was an inestimable advantage gained to the cause of freedom by a law of 1641, which declares the lands of the inhabitants free from all fines and licenses upon alienation, heriots, wardships, and the whole train of feudal exactions, which have so grievously oppressed mankind in other parts of the world. They tendered hospitality and succour to all Christian strangers flying from the tyranny or oppression of their persecutors, or from famine, wars, or the like compulsory cause,

cause, and entitled them to the same law and justice as was administered among themselves.

But whilst they thus scrupulously regulated the morals of the inhabitants within the Colony, and offered it as an asylum to the oppressed among mankind, they neglected not to prevent the contagion of dissimilar habits and heretical principles from without. A law was made in the year 1637, that none should be received to inhabit within the jurisdiction, but such as should be allowed by some of the magistrates; and it was fully understood, that differing from the religious tenets generally received in the country, was as great a disqualification as any political opinions whatever. In a defence of this order it is advanced, that the apostolic rule of rejecting such as brought not the true doctrine with them, was as applicable to the Commonwealth as the Church; and that even the profane were less to be dreaded than the able advocates of erroneous opinions.

The platform of Church government which they settled, was of the Congregational mode, connecting the several churches together to a certain degree, and yet exempting
ing

ing each of them from any jurisdiction by way of authoritative censure, or any church power extrinsic to their own. This was evidently opposed to the hierarchy ; and, in order to secure to themselves the rights which they had been denied in England, they projected the same expedient which was practised there, of uniting what ought forever to be separate, the Church and the State. According to the notion of the times, it was considered as an essential test of a true church, that it could be moulded to the civil government ; and they had been reproached by the advocates for the establishment at home, that theirs was incapable of such a union. How unfounded this reproach was, soon became evident : though the intellect of man has since, in its progress in this country, first discovered the absurdity of religious tests, and wiped away this blot upon human reason, whilst the mother country remains, in this respect, in her ancient absurdity.

No man could be qualified either to elect, or be elected to office, who was not a church member, and no church could be formed but by a license from a magistrate ; so that the civil and ecclesiastical powers were intimately combined.

combined. . The clergy were consulted about the laws, were frequently present at the passing of them, and by the necessity of their influence in the origination, demonstrated how much the due execution of them depended upon their power.

But the error of establishing one rule for all men in ecclesiastical policy and discipline (which experience has proved cannot be maintained even in matters of indifference) could not fail of discovering itself in very serious instances as the society increased. The great body of the English nation being of a different persuasion in this respect, numbers belonging to their church, who came into the country, necessarily formed an opposition, which, as they had the countenance of the King, could not be crushed like those of other sectaries. It became a constant subject of royal attention, to allow freedom and liberty of conscience, especially in the use of the book of common prayer, and the rights of sacrament and baptism as thereby prescribed. The law confining the rights of freemen to church members was at length repealed ; and pecuniary qualifications, for such as were not church members, with good morals,

morals, and the absurd requisite of orthodoxy of opinion, to be certified by a clergyman, were substituted in its place. But the great ascendancy which the Congregationalists had gained over every other sect, made the chance of promotion to office, and the share of influence in general, very unequal; and was, without doubt, one of the most important causes which conspired to the loss of the charter.

Upon the whole, although if we examine these political and ecclesiastical systems, especially when taken in connexion with each other, upon the free principles of jurisprudence and religious toleration, they must appear alarmingly dangerous to the rights of individuals; and, although there were acts of severity exercised by the government, especially upon petitioners for redress of grievances growing out of their constitution, which would not be endured at the present day; yet the peculiar circumstances under which this handful of emigrants were placed, rendered their government less ineligible at first, than we should be led to suppose. They had all felt or were obnoxious to the penalties which, during several reigns, had been
annexed

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presentatives, in a common cause the most beneficiary that the world could be politically interested in, if it wanted latitude and accommodation to extend its blessings immediately to many, who, in this view, rightfully claimed them, the misfortune may be rather attributed to the nature and operation of things than to any culpability on their part. It should be realized that their policy was rather to establish a Christian community of a particular kind, and to preserve it pure from any foreign principles, especially religious, than to form a great society either for splendour or power. Their settlement was rather a flight to the desert from religious persecution and for the propagation of the gospel, than an emigration upon political or national principles. In this nascent state of a revolution in favour of human happiness, it is impossible not to observe with admiration, the peculiar aptitude of their character to the purposes which Providence had destined them to effect. They had a wilderness to cultivate, a foe to subdue, who united the instinct and fierceness of the brutal creation with the sagacity of human reason. The European settlements in their neighbourhood were generally hostile ; and, what seemed still more afflicting,

afflicting, a constant watch was to be kept upon their mother country to prevent encroachments upon those liberties which they had placed themselves, in this forlorn situation, to protect. Under such circumstances, the strength and firmness of their spirit was their only resource. Less rigour would have disqualified them for discharging the heavy duties which they had to perform; and perhaps, more liberality would have introduced sectaries, who would have weakened the community by divisions, and profligates, who would have corrupted it by vice.



CHAP. II.

Loss of the Charter.

THE first great political alteration which the Colony underwent, was occasioned by the loss of its charter in the year 1684. In examining the reasons of this change in their constitution, it will be proper to remark, that the manner in which they left their native country; the valuable consideration which they gave for their new possessions, first to the Council of Plymouth, and afterwards to the

the natives ; the want of all protection and aid from the government of England, when struggling with the difficulties of their settlement, and the cruel warfare of savages ; the trifling circumstances on which the claim of the crown was founded to this vacant dwelling place in the earth ; all conspired to give them ideas of independence scarcely compatible with any degree of allegiance to the King ; whilst on the other hand, whether from a desire of freeing the realm of subjects whom he considered as its enemies, or from a want of foresight of the full extent of his grant under the future circumstances of the Colony, or from whatever motive, the King had conceded by his charter, so much power to the colonists, at least according to their construction of it, as left him little or no control over these distant subjects. In searching for the causes of the loss of the first charter, these circumstances seem greatly to explain the subject. Incidental occasions and events served to direct the manner in which the controversy was conducted ; but whilst rights existed so inconsistent with the prerogatives of the monarch, as they had been generally understood by him, they could not but be destined by one means or another to be destroyed : and it happened,

happened, that the spirit and inflexibility of the colonists at this early period rather tended to furnish opportunities for this design to take effect, than to overcome the power of the crown.

The first attempt upon the charter was made in the year 1635, when Sir Ferdinando Gorges, to whom the province of Maine had been granted, and Capt. Mason, the proprietor of lands between that province and Massachusetts, projected a plan of dividing New-England into twelve lordships, under the direction of a general governor. This business seems to have made great progress at court, but never to have produced any real division of the country, or material injury to the rights of the settlers,

In the same year a commission was issued to the great officers of the crown, at the head of whom was archbishop Laud, for the regulation of the Colonies, which, among other things, contained a power of revoking any patent or other writing, or any privileges or liberties granted by the crown concerning the planting of the Colonies. In 1638, an order was transmitted by them to governor Winthrop

throp to fend over the patent ; and they were threatened, in case of refusal, to move his Majesty to re-assume the whole plantation into his hands. A process was carried a great length against the charter, but no judgment finally given against all the patentees. The General Court sent an humble address, in which they dared not question their lordships' power, but prayed for his Majesty's clemency. The cause of the order as expressed in it, was the frequent petitions and complaints of the planters and traders in New-England, for want of a settled and orderly government there. Perhaps the real cause was owing to the effects of the settlement on the prerogatives of the crown, which the removal of the patent had, by this time, made evident.

These petitions and complaints, which never ceased to rise up against the country till the charter was destroyed, proceeded from various causes. It was the misfortune of New-England, that the geography of the country was so little known to those who claimed the propriety of it in England, that the bounds of their grants never could be ascertained, nor any rational construction be put upon them, without throwing them upon each other,

other, and so raising a multitude of interfering claims. The Colony was therefore in dispute with all its bordering neighbours ; and from the nature of these controversies, perhaps too from the superior strength and influence of the Colony, there could be no probability of their being terminated to the satisfaction of all the parties. This served to excite the other Colonies, as well as individual grantees, to complain against Massachusetts to the crown.

To this class of complainants we may add particular persons who were supposed to suffer from the judicial decisions of their government ; the natives of the country who expressed their discontent at what they asserted to be breaches of faith and intolerable oppressions ;* and the various dissenters, who could not but arise in a community so particular in the fundamental principles of its political and religious constitution.

Whether all or any of these various complainants had grounds for their accusations or not, it is foreign to our plan to examine : and probably the mere existence of these controversies was more the cause of the consequences which followed, by affording an occasion

* Secretary Morris's Letter, 1664.

caſion to examine into the ſtate of the country, than the merits of the ſubjects in diſpute.

After the decapitation of King Charles I. however, the confuſed ſituation of England prevented any particular attention to the Colony, till Cromwell's government. The very qualities which exiſted in the character of the inhabitants to render them diſpleaſing to the late King, operated as much with the Protector in their favour ; and he diverted all the complaints of their enemies againſt them. Yet he procured the Navigation Act to be paſſed by the Parliament, which was a ſource of future difficulty to the Colony, though it was evaded in New-England at firſt, as they ſtill traded in all parts, and enjoyed a privilege peculiar to themſelves, of importing their goods into England free of all cuſtoms.

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Upon the reſtoration of King Charles II. the old jealouſy of their principles revived ; and in the year 1661, they received an order that perſons ſhould be ſent over to anſwer to complaints againſt the Colony, with which they complied, and ſent an addreſs by their agents to the King.

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The result of this agency seemed not unfavourable to the Colony, as they received a letter from the King, confirming and offering to renew their charter, tendering pardon to all his subjects, except such as stood attainted, for all offences ; but requiring the following conditions, that all laws made in the late troubles, derogatory to the royal authority and government, should be repealed ; that the rules of the charter for administering the oath of allegiance be observed ; that the administration of justice be in the King's name ; and charging the government that freedom, and liberty of conscience in the use of the book of common prayer, be allowed ; that all persons of good and honest lives and conversations be admitted to the sacrament of the Lord's supper according to it ; with an exception, however, to any indulgence to Quakers. The letter also enjoined impartiality in the choice of magistrates ; that their wisdom and integrity alone should be considered, without regard to any faction with reference to their opinion or profession ; that all freeholders of competent estates, not vicious in their lives and orthodox in religion (though of different persuasions concerning church government) should be admitted to vote ; and that at the

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next General Court this letter should be communicated and published.

These seem to be the terms on which the privileges of the Colony were to be continued : and we can account for their not being promptly complied with, only by recurring to the ideas of the colonists, concerning the nature and extent of their allegiance and obligations to the British crown. A people who were of opinion that their commonwealth was established by free consent ; that the place of their habitation was their own ; that no man had a right to enter into their society without their permission ; that they had the full and absolute power of governing all the people by men chosen from among themselves, and according to such laws as they should see fit to establish, not repugnant to those of England, they paying only the fifth part of the ore of gold and silver that should be there found, for all duties, demands, exactions and service whatsoever ; of course, that they held the keys of their territory, and had a right to prescribe the terms of naturalization to all noviciates :* such a people, I say, whatever

* See the defence of the order of Court of 1637, relative to the admission of inhabitants ; and their address to the King 1664.

whatever alterations they might make in their polity, from reason and conviction, of their own motion, would not be easily led to comply with the same changes, when required by a King to whom they held themselves subject, and upon whose authority they were dependent, only according to their charter : and we shall find that their compliance was, accordingly, slow and occasional, as necessity impelled them to make it.

In the next session of the General Court, all processes were directed to be carried on in his Majesty's name ; the letter was committed for consideration, till the subsequent sitting ; all the inhabitants were invited to give their opinions upon it ; and it was ordered to be published, but with an express injunction, that all acting upon it should be suspended, until the next session should take place.

The imperfect and reluctant manner in which the King's letter of 1662 was obeyed, or some other cause, occasioned a commission to be issued (April 5th. 1664) to four persons, of whom one was an inveterate enemy to the Colony, to hear all complaints and appeals in
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all matters, military, criminal and civil, and to settle the peace and security of the country, according to their sound discretions. This commission placed the management of the controversy in a much more mortifying and critical situation than it stood before; as not only the merits of the dispute were to be settled, but the place and manner of settling them seemed derogatory to the government; and all the accidental misunderstandings, naturally engendered by a jealousy of their importance on the part of the commissioners, and by an indignation at being called before fellow-subjects, to answer to every complaint that could be solicited against them, on the part of the court, were added to embarrass a business, otherwise sufficiently perplexed.

After the arrival of the commissioners, the General Court altered the law that all freemen should be church members, as has been mentioned; and, having resolved to bear faith and true allegiance to his Majesty and adhere to their patent, they agreed upon an address to the King, in which they set forth their rights under their patent, and the exercise of their own government for above thirty years; the assurances of favour which they had received

ceived from the crown ; and, as for the particulars of the King's letter of 1662 of a civil and religious nature, they said they had applied themselves to the utmost to satisfy his Majesty, as far as did consist with conscience of their duty toward God, and the just liberties and privileges of their patent. They shewed the appointment of the commissioners with the powers they possessed to be against the fundamental privilege of their charter, and prognosticated that, should they proceed, it would end in the subversion of their all. They suggested that the object was to gratify some individuals by livings and revenues, who, however, would be disappointed in the result, through the poverty of the country ; and if by taking such measures, the people should be driven out of the land (for they never would coalesce in them) it would be hard to find others who would endure the same. They maintained that the body of the people were satisfied with the government ; and in regard to his Majesty, they acknowledged a just dependence and subjection according to their charter.

This address had no tendency to check the progress of the commissioners, who, among
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many other things, urged a compliance with all the particulars of his Majesty's letter of 1662.

The General Court ordered the oath of allegiance to be taken by all freemen and other householders in the form prescribed by the Charter, which stated the allegiance as qualified by, if not the result of, the charter and colonial government. As the word of God was the rule of trying offences in their temporal affairs, so they directed their clergy to make it the rule of ecclesiastical privileges, which they considered as a sufficient compliance with the demands for liberty of conscience in matters of religion.

They declared, that hearing and determining appeals from their judgments was incompatible with their charter. This of necessity led to a denial of the commission in a most essential point: and they explicitly avowed this denial, when the commissioners began to exercise their appellant judiciary power, which the court protested against, and soon terminated all further proceedings of this reprobated tribunal.

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If the General Court acted with less compliance than their situation required, the narrative of the commissioners breathed a most exasperated spirit. Even the college and its corporation were held up as the source of schism and rebellion. Perhaps the want of dignity and moderation was one cause of its not having a more immediate and decisive operation upon the Colony. However, on the 10th. of April, 1666, the King issued an order, requiring the General Court to send persons to be heard respecting the complaints against the Colony, and the report of the commissioners, and to receive his Majesty's pleasure thereon; but they declined to comply with this, and re-assumed the jurisdiction of the province of Maine, which the commissioners had put under the government of the King, until his pleasure should be known, and which the King, by his letter to the inhabitants of Maine of June 11th. 1664, had ordered to be restored to Sir Ferdinando Gorges, as the proprietor.

Against this want of compliance with the King's order, the commissioners failed not to protest, though without effect; but in 1676, agents were chosen to answer to the complaints which Gorges and Mason preferred
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against the Colony: and affairs began to wear so serious an aspect, as to influence the measures of the government; and in 1679, certain disputed points were no longer maintained. The General Court ordered the oath of allegiance to be taken without reservation; they passed an act for punishing high treason with death; they ordered the King's arms to be set up; and, although they informed their agents that they apprehended the laws of trade to be an invasion of their rights, as they were not represented in Parliament, yet they yielded compliance to them also.

But if a moment of accommodation ever existed it seems now to have been passed. Their agents were dismissed with a letter from the King of July 4th. 1679, requiring that agents should be sent over in six months to answer what was undetermined, repeating the substance of the letter of 1662; demanding that the Colony should assign to his Majesty the province of Maine, which they had purchased of the heirs of Sir Ferdinando Gorges, upon their being repaid the sum of £.1200 sterling, the amount of the purchase money; and that they should recal all commissions for

for governing that part of New-Hampshire which was granted to Mafon.

Obedience was shewn to all the requisitions of this letter except the sending of agents, which they excused themselves from doing, on account of their poverty occasioned by the late expensive war, and the assigning of the province of Maine, concerning which they were silent. This neglect was the subject of a royal letter the next year, which required them to send the agents in three months; and on the 21st. of October, 1681, the King wrote again, acquainting them of complaints that his collector had not been able to execute his office, and requiring that fit persons be sent over without delay to answer these complaints, with powers to submit to such regulations of government as his Majesty should think fit, and that appeals should be admitted.

In the answer of the General Court they denied the charge respecting the collector, but hoped that the subject of admitting appeals would be further considered. However, the choice of agents was to be no longer deferred, yet their instructions to the agents were, not to do or consent to any thing that should

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violate or infringe the liberties and privileges granted by charter, or the government thereby established.

Upon inspecting the powers of the agents in England, they were found to be inadequate to what was required ; and the council ordered, that unless such should be speedily obtained, a quo warranto should issue against the charter. This being stated to the General Court by their agents, left them to decide, whether the interests of the country were to be best served by resigning the government to his Majesty's pleasure, or by standing the issue of the threatened process. Such a dilemma was truly interesting, and awakened all the feelings of the people. The danger was rather irritating than dismaying in its operation ; and the majority, disdaining the idea of political suicide, were for leaving the charter to the direction of its fate. The General Court agreed upon an address for themselves, and another to be signed by the inhabitants, to be presented to the King by the agents, or withheld, at their discretion : but they were instructed not to give up the deeds of the province of Maine unless it would save the charter ;

charter ; and to make no concessions of any charter privileges conferred on the Colony.

From this period we may date the origin of two parties, the patriots and prerogative men, between whom controversy scarcely intermitted, and was never ended until the separation of the two countries. Such as were for adhering to their patent naturally won the feelings of the people, and received their confidence in proportion to their zeal ; whilst such as hoped to assuage a power which, in their opinion, could not at this period be overcome, were subject to the reproach of cowardice, or self-interested motives.

This appearing to be the disposition of the Colony, it was determined that a quo warranto should issue, and the agents returned to Boston on the 23d. of October, 1683. In a few days after them the process arrived, with a declaration from the King, that in case of a full submission from the Colony before prosecution, he would regulate their charter for his service as well as their good, making no further alterations than should be necessary for the support of his government. This proposition divided the legislature. The Governor
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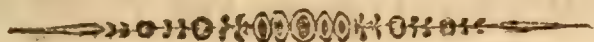
and major part of the assistants voted not to contend in law, but to submit to the pleasure of the King; but the representatives, after a fortnight's consideration, refused to give this vote their concurrence; and a letter of attorney was sent to a suitable person to appear and answer in behalf of the Colony,

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Preface.

It seems that this process was issued from the Court of King's bench, where the attorney was accordingly authorized to appear; but for some reason or other proceedings were not further prosecuted there, and a scire facias was issued against the Colony from the Court of Chancery, on the 16th. day of April, and was not received until the return day had expired; by means of which, judgment was given against the Colony on the 18th. June, 1684, subject to an appearance and defence at the next term, without their being heard, or receiving timely notice to appear.

Thus fell the good old charter, valuable for its defects so happily supplied, as well as its powers. But with it fell not the habits it had engendered, nor the principles which the settlement of the country had inspired. These were for a time slightly hidden in its fall, but soon

soon sprung up again more deeply rooted, and renovated with perennial strength : nor have they ceased to flourish till, in their turn, they have overrun, and probably forever buried, every germ of despotism and royal authority, in this republican soil,



C H A P. III.

Andros's administration—Charter of William and Mary—Controversies about the instructions for settling and fixing the Governor's salary,

NOTHING could have better justified the jealousy which the people had entertained of their charter-rights, however it may increase our admiration at the want of pliancy in the early stages of defending them, than the administration which succeeded the assumption of the government by the crown. James II. who was at this time on the throne, appointed Sir Edmund Andros Governor of the Colony, and vested him and his council with all the legislative and executive powers. The first appearance of this Governor was abated

abated by the more dreadful idea which had taken place, that Kirk, a most bloody instrument of tyranny, was to have had the commission. But the subtleties and rigour of despotism soon convinced this free people of the change that was operating in the groundwork of their liberties. He held that their lands had been given by the King on conditions not performed ; and that, upon the loss of the charter, the soil reverted to the crown. By this feudal principle, he endeavoured to create a necessity for the renewal of every man's title to his real estate, which, in fact, made him the vender of the lands at his own price ; since the fees of office for confirming titles were at first unlimited, and when established by law, were fixed at the most unreasonable rates. He levied taxes without the consent of the people, and punished with severity such as refused obedience. The rights of the subject in criminal trials were grossly violated, and the corporate powers of the towns, the inhabitants of which were allowed to meet but once annually, and that for special purposes only, were swept away with the charter. The people were told by the judges in open court, that they had no more privileges left them, than not to be sold
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for slaves, and that the benefit of the laws of England did not follow them to the end of the earth : and this they, in fact, found to be true, though their distance did not exempt them from the penalties.

Happily for them, the revolution in the mother country in 1688, afforded an example which they wanted not spirit to imitate. Upon hearing of the Prince of Orange's landing in England, whilst his success was wholly doubtful, they assembled in arms, imprisoned the Governor and his associates, and re-assumed their government, in the form in which it existed under the charter. Sir Edmund Andros and his coadjutors were afterwards sent home, to receive such punishment as the King and Parliament should think meet for their crimes ; but, under pretence of the charges exhibited against them before the King and Council not being signed by the colonial agents, both parties were dismissed, and this tyrant of New-England was afterwards appointed Governor of Virginia.

No part of the British dominions had more to expect from the accession of William and Mary to the throne than the people of Massachusetts.

sachusetts. By the privation of their charter they were thrown upon the mercy of the crown. Their rights seemed to be considered as so essentially dependent upon this, that, when it was destroyed, they stood not upon the footing of their brethren at home. They constituted no part of a Parliament, which was the natural guardian of the national liberty against regal encroachments. They could neither purchase privileges by administering to royal profusion, nor gain an influence by adding to the weight of faction. Placed beyond a commanding distance, they had only to plead their services in extending the British dominions, and in diffusing the doctrines of Christianity among the idolaters of the wilderness. But a prince educated in the military habits of King William, and with whom the restoring of the rights of his new subjects was, perhaps, a secondary motive, in accepting their throne, to that of humbling a rival crown, could not again commit all the powers of government into the hands of the colonists.

The subjects of dispute therefore in former years, it was to be expected would be settled in favour of the crown. Accordingly, when

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at the request of the colonial agents, a new charter was granted, a sufficient guarantee was inserted in favour of the members of the Church of England, by a clause allowing liberty of conscience in the worship of God to all Christians excepting Papists; appeals to the King and council were supported in all personal actions above three hundred pounds sterling in value; and the exercise of admiralty jurisdiction was reserved to the crown. But the great restraint laid upon the Province consisted in the appointment of the Governor, Lieutenant-Governor and secretary by the King; vesting the Governor with a negative upon all laws and elections made by the council and house of representatives; and subjecting the laws, even when thus sanctioned, to rejection by the King, within the term of three years from their passing. Besides those aforementioned, the differences between the old charter and the new, consisted in an express authority for exercising powers which had been in constant use from supposed necessary implication. These were the privilege of a house of representatives as a branch of the legislature, the levying of taxes and erecting courts for the trial of capital crimes, and the probate of wills and grant-

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ing of administrations on intestate estates, which were expressly given to the Governor and council.

Whilst the privileges of the people were thus diminished, the territory of the Province was enlarged. The colony of New-Plymouth, the province of Maine, and the country of Nova-Scotia, with the lands between the two latter, were joined to Massachusetts, and formed an extensive tract of not less than eight hundred miles in length.

Out of this spacious domain, the only new reservations made were the timber suitable for the masts of the royal navy, and grants of land between the river of Sagadahock and the gulph of St. Lawrence and Canada rivers, which were not to be valid without the King's approbation.

In order to reconcile the inhabitants to their new charter, the nomination of the first Governor was left to their agents in England, with the restriction only of his being a military character. Sir William Phips, a native of the province of Maine, who had commanded the forces that took Port Royal and
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conducted the Canada expedition in 1690, was therefore appointed to the office. During his short administration, no important dispute upon the rights of the Colony appeared, and, in the absence of the Earl of Bellamont, who was his successor, when Lieutenant-Governor Stoughton was commander in chief, the continual hostilities with which the Province was surrounded, engrossed the general attention. Upon his Lordship's exercising the functions of his office in person, the liberality of the General Court prevented any complaints respecting his salary; but upon the appointment of Governor Dudley, the crown, realizing a security for enforcing its instructions to the Governors, in their dependence upon its authority, and having vested them with ample powers by the new charter, had only to render their salaries permanent, to establish its control over the proceedings of the legislature. He accordingly produced instructions, among other things, that the salaries of the Governor and Lieutenant-Governor, for the time being, should be settled and fixed; but the consequence of this was too well understood for the measure to be adopted, and the house of representatives, having declared that it would
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be of no service to her Majesty's interest to comply with the instructions, the council also advised directly against it.

After Governor Shute had found his instructions for encouraging British manufactures thwarted by a proposed impost on English goods, and had suffered a diminution of his salary both in the nominal sum granted to him and in the depreciation of the currency, he produced a like instruction with no better success. Controversies multiplied. His right of negating the speaker of the house of representatives was denied, and they assumed the right of adjourning for a week without his knowledge. His powers as commander in chief were usurped by them. They refused granting salaries until he had acted upon the proceedings of the General Court ; and, in fine, rendered him so uneasy in his government, as to compel him to return to England with complaints against the Province ; of which the result was, that the government of the Province was obliged to accept an explanatory charter, dated August 12th. 1724, confirming the right of the Governor to approve or disapprove of the speaker of the house, and declaring their right of adjourning

adjourning without his consent to mean only from day to day, or, at most for a term not exceeding two days.

The great theme of Governor Burnet's administration was the subject of litigation, in which his predecessors had been so unsuccessful. He entered into it fully and with spirit. Yet his exertions were not only ineffectual, but he most probably destroyed an amiable life, by the exercises and agitations of so ungrateful a contention.

Governor Belcher came into office with considerable advantages from the struggles of those who had gone before him : for, although the General Court had hitherto persevered in refusing to establish a salary, yet the controversy in other points had terminated against them ; and they were evidently willing to do more, particularly as to the amount of the grant, than when they first entered upon the dispute.

Finding, however, that the General Court would not recede from their resolution against settling a salary upon the Governor for the time being, he directed his exertions to procuring

curing an establishment during his continuance in office. But, after flattering prospects of succeeding thus far, he failed even in this, and thenceforth gave up all ideas of carrying the measure. He finally obtained leave of the crown to accept such sums as should be granted; and so terminated, for this time, one of the most memorable conflicts between the crown and the Province, which its political history hitherto affords. When in subsequent years, the scheme for rendering the Governor independent of the people was revived, in connexion with extensive plans for subjugating the country, controversies of this nature were superseded, by his being paid immediately by the King himself, out of the royal exchequer.

It was the good fortune of Governor Shirley's administration, that, although parties existed who had given much trouble to the chair, and had exercised the deepest arts of intrigue in displacing Governor Belcher, yet he found the means of opposing them to each other, and gradually drawing them from the objects to which they were attached. But he was soon assisted by a more sure and general principle, in the hatred of the French and
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the indignation entertained at their encroachments. This seemed ingrafted in every one's mind in connexion with the safety of the Province; and animated all to exertions for the essential service of the crown and country, in which the smaller and less honourable considerations of party interests were swallowed up.



CHAP. IV.

Military character of the people—Philip's war—Various expeditions—Taking of Cape Breton in 1745—Peace of Aix la Chappelle in 1748.

IN reviewing the early history of Massachusetts, it is impossible to pass by the military character of its inhabitants. Modern ignorance, against the influence of climate, the habits of constant danger, and the stock from which they originated, has, for a moment, pretended, that they were destitute of that degree of courage, which is generally bestowed upon the other nations of the globe. If this groundless assertion had not been disproved

proved by the victories they have since gained over a powerful enemy, it would still have remained unfounded from the train of events in their more ancient history. If it can be considered as an apology for this suggestion, that it was founded on a comparison of their troops always newly levied, with forces of long establishment, the truth would be highly exaggerated; and a comparison of them with the people of any other country, under the same circumstances, would destroy the assertion, or in some instances, perhaps, completely reverse it.

In sketching this part of our subject, one of the most painful ideas which occurs in contemplating the settlement of America by Europeans, I mean the decayed and unimproved condition of the natives, will rise into view. So irreconcilable is the savage mind to a state of civilization, that one is almost led to consider it as in an inaccessible department of nature; too independent to be subjected to art, and rather presuming to compare its blessings with those of regular society, than coveting the more refined enjoyments which the latter affords. And, as though it was to be conceded that the savage state of
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man in its full strength is too powerful for civilization, it is remarkable that, when the European settlers were introduced to New-England, a most destructive malady had prevailed among the aboriginals, which had made the country, comparatively, a deserted wild, prepared for the reception of its foreign visitors without immediate conflict. However, the remains of the five great tribes in this country, whose force in their flourishing state might have amounted to 18,000 warriors, were still sufficient to have exterminated the English, had it not been for the inferiority of their arms; and perhaps even this circumstance would not have effected their conquest, had they preserved that mutual intelligence and communication which their common interest required. Fortunately for the people of Massachusetts, either the commercial and peaceable disposition of their tribe, or the progress of civilization and conversion to Christianity, which sometimes afforded flattering prospects of success among the Indians, preserved the Colony, for near half a century, from the hostile shedding of blood within its boundaries; and so averse were the natives from an appearance of war, that when doubts of their pacific intentions were

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made known, they removed them by a faithful surrender of their arms ; not that the Colony was, during all this time, a quiet spectator of the wars which were carrying on without its limits. In 1637, it joined the forces of Connecticut and Plymouth, employed in waging war against the Pequods, who inhabited a country near the mouth of Connecticut River, by which this martial tribe was extinguished. But this conflict was at a distance, and peace continued at home, whilst the principles of the gospel were encircling the Colony for near fifty miles with a converted race, who were the watchmen of its safety. Never were the labours of the primeval apostles more faithfully copied than by the venerable Eliot, and the other missionaries, who taught the doctrines of Christianity to the Indians ; and never was a measure adopted more preservative of the existence of the Colony. This finally designated among the natives its friends from its foes, and by enervating their bloody system of warfare, threw them upon the English for defence against the most dreaded of all their enemies, the cannibals, composing the nation of Mohawks. The sachems beheld their progress with so much jealousy and terror, that they,

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at times, endeavoured to make it an article of treaty, that no more conversions should be attempted: and, when the use of fire arms began to be understood among the savages, Philip, the chief of the Wamponoags, contemplated the great object of exterminating the religion and its professors from the whole land of his forefathers.

This sachem was the third who had headed the tribe since the arrival of the English. He had seen his father and brother die in subjection to their sovereignty, and, daily observation convinced him what would be the effect of advancing their settlements upon the waters and forests which had been hitherto ranged by his people for their support. However his early predecessors might have ascribed the emigration of the Europeans to the want of fuel or other simple causes, yet the combined state of their society, so unlike the loose incorporation of his own national family; their exclusive mode of occupying lands, and enjoying moveable property, so different from the common use made of the one by the savages, and from their furtive ideas concerning the other; their power in war so destructive to their enemies; the rapid increase

crease of their numbers, and their spirit of enterprise and encroachment, exceeding even their increase, must have driven him, from speculative conjectures of such a nature, to a realizing view of the effects which were about to follow their success. These operated so forcibly upon his fears and his ambition, as to induce him to engage the surrounding tribes in his undertaking; and, although the christianized Indians were faithful to their spiritual leaders, yet their numbers were comparatively small, and an extensive circle of allies were not wanting to his plans. The murder of a converted native disclosed his intentions, and anticipated their execution. The frontiers of New-England, excepting the fortunate settlements of Connecticut, were struck with fire and slaughter. Efforts of desperate resolution, in penetrating the treacherous recesses of the wilderness, were the only means of preserving the inhabitants from the subtle surprises and merciless ravages of their enemy. In this struggle for the country, feats were performed on both sides, which, had they been displayed on a more conspicuous theatre, would have excited universal admiration. The nature of such a conflict is hardly to be realized in a territory invaded by
a civilized

a civilized foe, where the regular operations of war afford some rule for calculating the times and degrees of its calamities, and where defeat is not the certain presage of torture and death.

After a jeopardy of more than a year to the whole settlement, a conclusion was put to the war on the western borders, by the death of Philip, the author of all the distresses, on the 12th. day of August, 1676, and a treaty was settled with the eastern enemy on the 13th. day of November following.

But nothing seemed to be severer in the fortune of the British Colonies, than that after they had purchased and conquered their territory, unaided by foreign interference, the peace which was the natural effect of their exertions, should be subject to be disturbed by the broils of the parent countries ; and that, after the bravery of their people had relieved them from the natural strength of the aboriginals, they should be devoted to attack it again, when inspired with auxiliary force from European enemies.

After

After an interrupted peace, hostilities were openly renewed, by the eastern tribes, in the year 1688, and the Colony was incessantly harassed till after the peace of Ryfwick was declared at Boston, in 1697. In the second year of this war, they lost their Fort at Pemaquid ; but in 1690, they reduced Port-Royal, taking possession of near ninety leagues of sea coast. Encouraged by this success, with unequal fortune, they equipped a fleet with two thousand men, upon an expedition against the city of Quebec, the failure of which necessitated the government of Massachusetts to have recourse to paper money for relief. In 1693, a peace was concluded upon with the Indian enemy, who broke it in the year ensuing ; and in 1696, the strong fort at Pemaquid, which had cost the Province immense sums, considering its pecuniary resources, was taken by the French and demolished.

After a respite of only five years, the enemy renewed their attacks at the westward in the year 1703, and peace was not restored to the Province till the treaty of Utrecht in 1713. During this period, the Massachusetts government swept the coast from Piscataqua to

to Nova-Scotia with five hundred and fifty men, taking the town of Menis in 1704; and in three years afterwards, one thousand men were transported to capture Port-Royal, who made two unsuccessful attempts upon that fortress. In the year 1710, the Province furnished two complete regiments, with the necessary shipping, in aid of the squadron and army who captured that place. They supplied, with great inconvenience and distress to themselves, ten weeks provision to the forces under Nicholson, who were dispersed by shipwreck in an expedition against Canada in 1711. In short, in one summer, one fifth part of their inhabitants capable of bearing arms had been in pay; they are computed to have lost from five to six thousand of their youth since Philip's war, and, of course, to have suffered by the check in their population, not less than 100,000 souls in that period.

These distresses formed a disproportionate share of the general calamity of the British Colonies on the part of Massachusetts and New-Hampshire, who were the chief objects of the vengeance of the enemy. They were a shield to Connecticut and Rhode-Island :
and

and New-York was so fortunate as to be in an actual state of neutrality for a number of years.

Even when the French and English kings were at peace, the influence of the Catholic priests operated upon the savages to distress the Province. In the year 1720, they committed hostilities at Canso, and on the 25th. of July, 1722, they having repeated them at Merry-Meeting Bay, the Governor declared war against them. After suffering as usual from their bloody ravages, the Province made a spirited attack upon their settlement at Norridgewock, and entirely destroyed it in the year 1724; and peace was concluded in the year ensuing.

It is not within our plan to give a minute detail of these distressful wars; and most of our readers would be glad to be exempted from viewing the shocking spectacle, were we to exhibit it in all its terrors. It is sufficient to observe, that the savage generally surpasses the necessity of valour by his cunning in planning the attack, which is always made with the greatest advantage. When he is overpowered, he fights rather with despair

pair than courage. The manly defence of an enemy inspires only revenge, and bravery conquered shares the same fate with timid resistance. The death of a warrior is atoned for by the blood or slavery of a captive ; and as success inspires not magnanimity, so impotency and defeat bespeak the malignant feelings of his heart, by high-sworn threats and tantalizing irony. Let us therefore be excused from relating the actions of such a being ; the deliberate murders from which sex or age could not rescue a victim ; the perfidious violations of plighted faith ; and the black revenge, which has lasted even after the privation of life, exercising its shocking ingenuity to burlesque the remains of the human figure, by caricatures that one would be led to suppose, were abhorrent to the native sense of man.

After the New-England Colonies had struggled, for more than a century, against the arms both of the aboriginals and the French with various success, the period arrived when fortune was to do justice to their valour, by events which operated with prevailing force on the belligerent powers of Europe. One of the first objects of the French, at the

K opening

opening of the war in the year 1744, was the capture of the province of Nova-Scotia, which was garrisoned by Massachusetts, and had been secured by its protection. The island of Canso was taken, and the forces who defended it were carried to Louisbourg, before the proclamation of war was known at Boston. Annapolis-Royal became then the only fortress which remained to awe this contested territory. The enemy were not insensible of it, and directed all their strength at this object. Twice the government of Massachusetts rescued it from their hands; and, at last, finding the port of Louisbourg, in the island of Cape Breton, to be the source of constant invasion; and that from various circumstances, it had become exposed, and might probably be carried by a vigorous assault; they determined, at the motion of their enterprising Governor Shirley, to attempt to reduce it. The expedition to effect this, which likewise relieved Annapolis-Royal the third time, was an achievement resulting from an high spirit of enterprize; maintained by considerable resources; and evidencing a generous participation in the war of the mother country, which raised a strong claim to her future patronage and support.

The

The forces employed by Massachusetts to reduce the island of Cape Breton consisted of upwards of 3,200 of their own men, who were aided by 500 from Connecticut and 300 from New-Hampshire. In addition to these, 300 arrived from Rhode-Island, but not until the enemy had surrendered. Ten vessels, of which the two largest carried only twenty guns each, with the armed sloops of Connecticut and Rhode-Island as cruisers, constituted the whole naval force, until the arrival of the forces at Canso, where they were joined by a squadron of the King's ships under Admiral Warren. The men embarked on the 24th. day of March, 1745, and being landed on the island of Cape Breton the 30th. of April, the operations were continued against Louisbourg until the 17th. of June following, when it was surrendered. The New-England men lost only 101 men, killed by the enemy and accidental causes, and about 30 who died of sickness; whilst the French were supposed to have lost 300, who were killed within their walls. The strength of Louisbourg, which was regularly fortified, and garrisoned by 650 veteran troops and 1,300 effective men of the inhabitants, and the relative consequence of the island as affecting

Journal of
the Siege of
Louisbourg.
Hutchinson.
Douglass.
Shirley's Letter to the
Duke of
New-Castle,
Oct. 18.
1745.

fecting the other settlements of the contending powers, places this voluntary enterprize of New-England in an important point of view. Cape Breton was useful to France in various respects. Its local connexion with the fisheries, whence her naval power began to draw a degree of respectability that threatened to rival that of her enemy, made it a commodious station for their encouragement. Its dividing the principal stations of the English fisheries at Newfoundland and Canso gave a check to them. Louisbourg, the chief port in the island, was the French Dunkirk in America, whence privateers were fitted out to infest the coast of the British plantations, and where prizes were conveyed in safety : The French East and West-India fleets found a secure harbour here, and the supplies of fish and lumber could be carried with convenience from this port to their sugar colonies. Besides which, Cape Breton had the command of the entrance into the gulph of St. Lawrence, which led to Canada, the increasing and favourite colony of France. If all these local advantages did not accrue positively to Great-Britain upon the capture of this island, yet wresting them from the hands of her enemy, was almost equal to it ; and there
was

was one of great consequence arising to her from the existing state of Nova-Scotia at this time. An expedition was projected by the French to re-conquer that province. The taking of Cape Breton frustrated the execution of the plan, and gave the English an additional bridle over this half-revolting country.

The exertions of New-England in this conquest drew the military preparations of the contending powers the ensuing year into America. On the one hand, Great Britain considered it as an important preparatory operation to the conquest of Canada; and France received an alarm from it, which led her to seek the re-conquest of Acadia. The English plan was to send eight battalions of regular forces, with those of New-England, up the river St. Lawrence to Quebec; and the troops to be raised in New-York, Pennsylvania, Maryland and Virginia, after assembling at Albany, were to proceed across the country by land to Montreal. The whole number required of the British Colonies was five thousand fighting men, of which Massachusetts voted to raise three thousand five hundred, with an adequate sum of money for

for defraying the expenses of their transports and provisions.

The armament from England not arriving, the managers of the war in America concluded upon an expedition against the French fort St. Frederick, situated upon Crown-Point, which lay in the route of the troops from Albany to Montreal; and served as a place of rendezvous to the enemy, whence they made their excursions upon the English settlements. Fifteen hundred of the Massachusetts forces marched to Albany upon this expedition.

On the other hand, the exertions of France though ineffectual beyond all expectation in a general view, yet checked the effect of the zeal of the British Colonies, in attacking her American dominions. The Canadians and Indians drew themselves down from their province, in order to co-operate with a respectable armament fitted out from Brest and the West-Indies, said to have consisted of near half the naval force of France, for the reduction of Acadia. This induced the Governor of Massachusetts to order six hundred of the provincial forces for the support of Annapolis.

napolis. That part of the French squadron, which proceeded from the West-Indies, under M. Conflans, not meeting the European fleet under the Duke D'Anville, on the coast of Nova-Scotia, quitted the expedition. A tempestuous passage delayed and shattered the latter; and a multitude of unforeseen disasters wholly destroyed their projected conquest: not, however, until they had alarmed all the sea-coast, drawn a very large number of the militia into Boston, and put the Province to the expence of adding very respectable works to the castle in the harbour. This event delayed the expedition against Crown-Point until some of the Colonies thought it too late in the season to succeed.

The Canadian forces determining to winter in Nova-Scotia, rendered this province a subject of continued anxiety and expence to Massachusetts. Governor Shirley resolved, after again reinforcing the garrison at Annapolis, to drive them out of Minas, where they were seated; and, in the winter of the year 1746, a body of troops was embarked at Boston for the former place. After the loss of a transport, and the greatest part of the soldiers on board, the troops arrived; and
re-embarked

re-embarked for Grand Pré, in the district of Minas, in the latter end of December, when the rigour of the climate might have been supposed to have operated as a guard against an attack. The issue was, that, being cantoned at too great distances from each other, and La Corne, a commander of the French, having intelligence of their situation, forced a march from Schiegnecto, through a most tempestuous snow storm, and surprised them at midnight. After losing one hundred and sixty of their men, in killed, wounded and prisoners, the party were obliged to capitulate, not, however, upon dishonourable terms; and the French, in their turn, abandoned the post.

In September, 1747, in obedience to orders from the King, the troops were disbanded, excepting so many as were necessary for the defence of Nova-Scotia, after having created an expense to the Province of near £.8,000 sterling for their subsistence only: and, on the 8th. day of May, 1749, the Governor received the King's proclamation for a general peace.

By

Gen. Court
Records.

Memoirs of
the principal
transactions
of the late
war, reprint-
ed at Boston
1758.

By the articles of this peace, New-England had the mortification to find her boasted conquest of Cape Breton taken away, in a compromise for restoring the French conquests in the Low Countries, to the Empress Queen of Hungary, and the States General, and for a general restitution of places captured from the other belligerent powers. This island was delivered back to its former masters, on the 12th. day of July, in the year 1749; and Massachusetts was left to calculate the expenses of her warfare.



CHAP. V.

Debt of the Province—Origin and progress of Paper Money—Land Bank—Bills of credit redeemed—Proceedings of the House of Representatives in the case of James Allen, Esquire—Drought—Conference with the Delegates from the Penobscot Indians.

THE war which terminated in the treaty 1748.
of Aix-la-Chapelle, on the eighteenth
day of October, 1748, displayed the charac-
L ter

ter of the New-England Colonies in an elevated point of view, and with prospects of increasing greatness. Before this period, as we have shown, there had not been wanting in their inhabitants a zeal and fortitude, peculiar to the principles on which they had emigrated, and to the habits which they assumed upon their settlement in the country. They had planted a wilderness, and the savage tribes in their neighbourhood had been either so far civilized as to associate upon friendly terms, or had been controlled, conquered, and in some instances exterminated, by the force of their arms. This too had been effected without assistance from the crown which they were under, and without involving it either in expense or war. When they became objects of invasion to the French, who had spread themselves in America, through the internal passages of the St. Lawrence, Mississippi, and the intermediate lakes, their exertions increased with their enemies. But in the war which commenced with France, on the thirty-first day of March, 1744, opportunities occurred of exhibiting specimens of that strength and spirit, which afterwards contributed so essentially to the aggrandizement of the mother country, and finally

finally to their own sovereignty and independence.

At the conclusion of this war, let us examine the state of the Province of Massachusetts Bay, recent from the conflict, and preparing itself for that change of its primeval manners and customs, which wars and commercial intercourse with foreign nations, increase of population and other necessary alterations in a growing country, will never fail to produce.

Military glory is commonly followed with national debt, and the pecuniary circumstances of the Province were such as amounted to a very liberal price for the fame acquired in the pursuit of victory. The nominal value of the unredeemed bills of credit was about £.2,200,000 currency; the value when issued about £.400,000 sterling, and the provision made for redeeming them was somewhat less than two hundred and fourteen thousand pounds of the same money.* But the sum of this debt ought not to be estimated by figures alone.

Hutch. vol.
2d. p. 435.

Stat. 22d.
Geo. I.
chap. 1.

* Viz. £.183,649.2s.7½ sterling, the reimbursement money, and £.75,000 tax, payable in pieces of eight at 11s. 3d. each, equal to £.30,000 sterling.

alone. The general situation of public affairs affords the fairest calculation of its total amount. All that part of the people who depended upon the income of monies loaned, were under the distresses of poverty, from its operation. Public institutions supported by funds, with which the cause of literature and education was intimately blended, were in a constant progress of decay. Officers and foldiers of the army, with all the civil officers of the government, were paying the price of depreciation, in a most injurious disproportion. So violent was the effect of it upon the clergy, to whom the parishes were tardy in making up the deficiency in the value of their salaries, that the Governor told the General Court that it seemed probable many of them would be necessitated to betake themselves to secular employments for a livelihood.* Trade was, in a manner, reduced to a state

Governor's
Speech, Feb.
3, 1747.

* An idea of the actual depreciation of the currency, and of the baneful operation of it upon the happiness of the defenceless part of the community, may very well be formed from the following note in the Rev. Nathaniel Appleton's Sermon, preached on the fast day in the year 1748.

"I am credibly informed of an ancient Widow, whose husband died more than forty years ago, who had *three pounds* a year settled upon her, instead of her *dower*; which *three pounds* would, at that day, and at the place where

a state of barter ; and, above all, the temptation every man was under, almost in self-defence, to avail himself of an advantage in his contract, not guarded against by the parties at the time when it was made, was daily corrupting the morals and good faith of the whole body of the people.

All must have seen, though very few judged rightly of, the evils which the want of a stable medium of commerce had thus introduced. The community seemed to have been under the operation of an invisible scourge, until, like an envenomed adder, it stung its own body, and increased the cause of its irritation. Mutual reproach was the result of a misfortune for which no one order of men was exclusively to blame. As trade has the first control over and is first affected

where she lives, procure towards her support the following articles ; viz. Two cords of wood, four bushels of Indian corn, one bushel of rye, one bushel of malt, fifty pounds of pork, and sixty pounds of beef ; which would go a considerable way towards the support of a single woman. Now she can at most demand but *seventeen shillings and three pence*, new tenor ; which is but about an eighth part of her original *three pounds* ; and be sure won't purchase more than half a quarter of the above necessaries of life : and this she must take up with ; because there is no remedy in law for her. And this is, in a measure, the deplorable case of many widows in the land."

Dr. Apple-
ton's Sermon.
aforecited.

affected by the currency, so the merchants seemed to stand foremost among the subjects of censure. Had they adhered to the laws for supporting the credit of the bills, by giving no more for silver and gold than the several governments had valued them at, and so putting no additional advance upon their goods, the husbandman and the tradesman, it was said, would not have been necessitated to have raised the prices of their produce and labour. These latter were not excused for their indiscreet use of foreign luxuries. The members of the Assembly had their share of reproach, for issuing a currency in its nature unstable, and incapable, in the course of things, to support its credit; and pious men resolved the whole into the profaneness and wickedness of the times.

This immense mass of public obligation derived its existence, in one sense, from the necessities of the Colony, after the unsuccessful expedition against the province of Canada, in the year 1690; when the plausible idea of only anticipating the annual tax first introduced bills of credit of an annual existence. Punctuality was observed in the redemption of them until the year 1704, when the pressure

ture of public expenses, arising from distressful wars, induced the General Court to postpone the payment of taxes for two years at first, afterwards for a greater number, and, at length, for thirteen, until the postponement was at last confined, by the operation of royal instructions, to the year 1741. A discount upon the bills, in the purchase of silver and other articles of traffic, was the necessary consequence. Bills of a new tenor, and of a greater relative nominal value, were emitted; but all slid down the same lapse of depreciation, as the probability of their being redeemed decreased. Various schemes were proposed for calling in the aid of private credit, which, at a time when the nature of money was so little understood, did but increase the embarrassments of the community; and the popularity of the bills of credit growing with their mischiefs, seemed to render all remedy hopeless.

Discourse concerning the Currents of the British Plantations in America, &c. 1740.

Hutch. Vol. 2. p. 393.

Such was the inclination of the legislature to avoid taxing the people, that a scheme was formed to raise a capital upon the security of individuals, and with the profits to provide for the annual charges of the government. They emitted £.50,000 at first, and afterwards

Anno 1714.

Hutch. Vol. 1. p. 403.

wards £.100,000 more, in bills of public credit, which were placed in the hands of trustees for a loan to private persons, who should be obliged to repay it, with interest, at stipulated periods; and this interest was appropriated to defraying the public expenses.

Discourse
concerning
the Curren-
cies of the
British Plan-
tations in
America, &c.
1740.

A project was afterwards formed by similar means to supplant a paper currency by silver coin. The loan was to consist of £.60,000, and the borrowers were to be held to replace it with specie. Banks became favourite objects; and as the very remedy supposed the want of money, land was the most permanent substitute on which it was imagined a credit could be raised. There is a proposal among others, printed in the year 1720, by which real estate was to be mortgaged by private persons for the payment of the bills which they should issue, and the profits were to be laid out in the purchase of silver, as a deposit for discharging the bills, when sufficient, and so releasing the landed security. But when the restriction upon the postponement of taxes to the year 1741, was about to take effect, a Land-Bank was actually carried into execution, for the ostensible purpose of supplying a currency, when the bills of credit issued by the government should be absorbed.

Distressed
State of the
Town of
Boston, with
a Scheme for
a Bank,
1720.

forbed. The subscribers or partners were to pay in their interest and principal in bills ; or the produce and manufactures of the Province (as taxes in former times had been in part payable) at such rates as the directors should establish. In order to counteract this institution, a company was formed to issue their private notes, payable on demand in silver or bills of credit equivalent, according to their current value ; but their scheme was ineffectual, though countenanced by Governor Belcher. The partners in the Land-Bank pushed the operation of their project to the greatest extent, and being uncontrollable by any means within the Province, they were dissolved by an Act of Parliament, which declared the law, prohibiting similar institutions in England, to extend to the British Plantations.

See his
Speech, Nov.
22, 1740, &
Jan. 9.

Hutch. Vol.
2. 394.

If the operation of the King's instructions, in limiting the period for redeeming the bills of credit to the year 1741, and in preventing others being issued till the redemption took place, but by acts subject to his Majesty's approbation granted previous to their effect, gave rise to schemes for emitting

M ... similar

similar bills by private corporations, it nevertheless produced an arrangement with respect to those of the public, which was highly productive of justice; and, no doubt, must have been a principal cause in checking their depreciation for four successive years. They had been made a substitute for the payment of debts in the year 1712, by screening the estate and person of any debtor who should tender them to his creditors. But in this year, a law was passed, enacting that bills of credit then to be issued should be valued at the rate of six shillings and eight pence for an ounce of silver; and that the same sum, in all debts to be contracted within five years from the last day of March, 1742, (specialties and express contracts excepted) should be deemed equal to the same quantity of silver, and should be paid therewith, or by bills of credit, allowing for depreciation, if any should happen. In two years afterwards, it appearing that the bills of credit were the most natural standard for contracts to be formed by, all debts to be contracted within the period above specified (excepting as before) were ordered to be considered as equal only to the real value of the bills, at the time of their being made; but depreciation was still

Observations, &c. as above.

Journal of the House of Rep. Jan. 8, 1743.

Gov. Shirley's Speech, Jan. 10, 1743.

Prov. Law. 15th. Geo. 2d. ch. 4.

still allowed, from that time to the rendering of judgment; and by a subsequent law, provision was made for the allowance of depreciation upon more ancient debts, during the same period of time,

18 Geo. 2.
ch. 2d.

The emission of bills of credit, however, did not cease at this period, the wars in Governor Shirley's administration requiring a quantity equal to the whole amount of the existing debts we have before stated; nor did the laws, providing for the allowance of depreciation, extend by the practice of the Courts further than to debts on specialties, that is, where the contract was expressed to be for something other than bills of credit; but on simple contracts, which were by far the most numerous, no allowance was made. And thus continued this fluctuating and deceitful medium, taxing all classes of inhabitants insensibly, but unequally; drawing away, by a kind of magic stealth, real property from its possessors, and substituting imaginary wealth in its place; disaffecting the people with each other, and threatening to overwhelm posterity with its evils, till a cause, which had greatly contributed to its increase,

Douglass,
Vol. I. p. 526.

Hutch. Vol.
2d. p. 437.

increase, at length happily furnished the means of its abolition.

The efforts made by the New-England Colonies in the late expedition against Cape Breton, were so signal, and had involved the inhabitants in such deplorable perplexity and misfortunes, that an equitable claim arose upon the Parliament of Great-Britain for compensation for so unequal and beneficiary an exertion in the common cause.

The establishing of this claim, and procuring satisfaction for the expenditures of the Province, was attended with a variety of difficulties from different causes. Among these, however, we cannot in justice reckon a want of liberality on the part of the Parliament, considering the reimbursement as it respected the Louisbourg expedition alone; and indeed it would have been a remarkable instance of inconsistency, if the generosity of a nation, who was spending millions to support the House of Austria and the Provinces of Holland against France and Spain, who gave an hundred thousand pounds to Russia only to keep a force for one year on the borders of *Livonia to assist his Majesty's allies,*
and

and who was opening her wealth to Hanover with the usual prodigality, had been checked at the just demand of some of her Colonies to be reimbursed their expenses in obtaining a conquest by land, to which the British arms had not been much accustomed in the course of this war. If it was of so much consequence to her, who should possess a part of Italy or the barriers of the Netherlands, as to induce her to lavish millions upon powers who retained but little gratitude for the aid, of how much more consequence must it have been to her, who possessed the commanding ports in the neighbourhood of her colonies, whose trade would return her the whole of the reimbursement within a few months!

See Considerations on the propriety of imposing taxes on the British Colonies. Virg. August 12, 1765.

Accordingly, after the application of the government of Massachusetts Bay had so far obtained the assent of the King and Council, as to induce them to determine that the Province should have reasonable satisfaction for their expenses, the main question which was brought before the Parliament respected the amount, and the manner or time of payment. The sums expended by Massachusetts in this expedition were equal to £.261,700..os..3, in the

Report to the Lords of the Treasury on the demands of the northern Colonies, December 29, 1747.

the Province bills of the new tenor, or £.183,649..2s.7 $\frac{1}{2}$ sterling, reckoning the exchange at £.142..10s. per centum, which, however, was supposing the bills equal to silver, at seven shillings and six pence an ounce, as expressed in the face of them. This was the real rate of exchange for draughts on London, in 1744, when the first act for issuing bills of credit for the expedition was passed. But the exchange had risen, before any grant was effected by Parliament, to £.250 per centum, of the new tenor bills, or 1000 per centum of the old. These extremes made a difference in the claim of the Province of nearly seventy-nine thousand pounds sterling. But the Parliament, justly considering this depreciation as a tax upon the people, thought that it ought to be reimbursed them, and voted the larger sum. However, it was thought expedient to regulate the appropriation of the money, so that the great difference between the value of the bills of credit when issued, and the value at the time of their redemption, should operate justly to the holders of them. This gave rise to various projects from interested and officious men. Some wished all this difference to go to the possessors of the bills, which would have been making

making the grant a speculation for the emolument of persons, who, perhaps, not having had the bills in their hands any length of time, suffered little or nothing of the depreciation. A discrimination was also suggested, in order to make good the depreciation to those who had held the bills of credit for any considerable time, without making the same allowance to others; but, besides the impossibility of ascertaining the true time the possessors had held them, this scheme would have unjustly rewarded the hoarders of the bills, whilst those who had suffered insensibly, but as much, in the rapid circulation of the currency, would have been denied what, of these two classes of men, they best deserved. It was likewise proposed, that the money should be paid to the Province by instalments, having reference to the years, when it was provided by law that the outstanding bills should be called in by taxes, which would have procrastinated the last payment until about the year 1754. Two more schemes, still more injurious to the country, were held out: one, that the paper currency should be redeemed by a base coin; the other, that it should be absorbed by bills of exchange, drawn upon England, and payable there in specie,

Letters of
Gen. Court
to their
Agents, Nov.
4. & 22d.
1748.

specie, which would have annihilated the old medium of trade, without introducing a new one.

Such a fruitful subject for projections and intrigues could not well be settled by the Parliament; and, upon the lords of the treasury offering to take upon themselves the burden of settling the proper manner in which the money should be paid, the act was passed for reimbursing the Colonies, under a general understanding in the House, that the manner of issuing the specie should rest with them.

Bollan's Letter to Sec. Willard, Sept. 7, 1748.

When the money had thus become stationary, all parties had a fair opportunity of interfering in a business, which Mr. Bollan, the indefatigable agent for the Province, insisted no one but his employers had any right to meddle with.

Copy of the Mem. on the files of the Gen. Court sent over by Mr. Bollan.

The merchants, and others, trading to and interested in New-England, preferred a petition to the treasury, stating the evils arising from the bills of credit issued there; that it would be very difficult for the assemblies to agree upon an equitable rule as to the manner

ner in which the money should be applied, as persons in the administration of the government had purchased the bills at a depreciated value, in order to gain by the exchange of them for silver ; (a reflection which the General Assembly denied, but which they hoped would facilitate the redemption of the bills, according to their lowest rate) praying that no part of the grant might be issued, until some effectual measures should be taken by the several governments for establishing such a rule, and putting a period to the paper currency ; or, in case of their refusal or neglect, not until the whole could be regulated by Parliament.

Letter to
Mr. Bollan,
Nov. 22d.
1748.

The attorney and solicitor-general, after hearing the parties, gave their opinion, that the powers of the agents from Massachusetts and Connecticut, being only votes of the Assemblies, and not letters of attorney under the seals of the Provinces, who were corporate bodies by charter from the crown, did not give proper authority to receive the money ; even if the agents would give bond to account at the exchequer, as the lords of the treasury had once proposed. The submission of this point to the opinion of these
N officers,

Copy of their
opinion on
the files of
the G. Court.

Bollan's Letter to Hutch.
Sept. 26.
1748.

officers, was not done without exciting a suspicion in the mind of Mr. Bollan, that the whole was a contrivance to aid the ministry under an embarrassment, arising from their having placed the payment of the money upon unjustifiable conditions, by the proposal above-mentioned ; and Mr. Kilby, the other agent, supposed the money would undoubtedly remain in the hands of the administration, till resolutions were perfected as to the appropriation of it, which might furnish another motive to the ministry for raising this impediment to the paying of money, that there was nothing on record to justify them in withholding.

Kilby's Letter to Sec.
Willard, 24
Oct. 1748.

Whilst so much was pending upon the appropriation of the money, the General Court did not neglect their right of providing by law for the rates at which the bills of credit should be redeemed. For reasons already mentioned, the whole benefit of the grant arising from the depreciation of the bills since they were first issued, notwithstanding they were estimated by the Parliament at the value they were of at an early period, was not given to the possessors of them, but was chiefly applied to the benefit of the Province at

Hutch. Vol.
2d. p. 438.

at large, the redemption being fixed at about one fifth less than their lowest current value, or at fifty shillings for an ounce of silver.

Prov. Stat.
22d. Geo. 2d.
ch. 1. A. D.
1748.

As the design of this law was the abolition of the paper currency, and the amount of the grant of Parliament was not sufficient for effecting that object wholly, the residue was provided for by a tax of £.75,000, payable in bills at the rate above-mentioned: and all future debts, after March 31, 1750, it was declared, should be understood to be made for silver coin at six shillings and eight pence an ounce; and all debts after that time were made payable in such coin accordingly.

But the evils of bills of credit were not to be overcome, whilst the neighbouring governments had it in their power to issue them upon little or no foundation, and by sliding them into the Province, to take away its real wealth for an imaginary value. Penalties were therefore laid for receiving such bills, and all town officers, representatives, members of the Council, the civil and military officers of the Province, creditors taking out executions from the courts of justice, taverners and innholders, were obliged to swear that

that they had not been concerned in receiving or paying them, after the operation of the law: and it was provided, that any inhabitant who should be sued by a person belonging to such government, should be allowed to discharge his debt in these bills, if possessed of them before the act should come into force, excepting that this provision should cease in respect to any such government which should sink its bills of credit before the thirty-first day of March, 1754.

May 11,
1749.

The lords of trade reported to the Council, that upon the whole, it might be adviseable to lay this act before his Majesty for approbation; and, the mode of redeeming the bills of credit, being thus settled to the satisfaction of the lords of the treasury, his Majesty's order was delivered for paying the money to Sir Peter Warren, and William Bolland, Esq. who were authorised by the law to give a discharge for it in behalf of the Province.

June 14,
1749.

The difficulties in effecting the important change in the currency, which we are now relating, arose within the Province from the friends of the old tenor money, both in the General Court and without doors. They
relied

Fleet's Evening Post Dec.
23, 1749.

relied upon objections of the following nature. That the time allowed for redeeming the bills, which was about fifteen months, was too short, and would stimulate creditors to pursue their debtors for the purpose of procuring payment in bills, in order to gain by the exchange for silver; that the rate of redemption was too high, and would, therefore, not only tend to forward the same evil, but would likewise reward those who had purchased them upon principles of speculation; that the silver could not be retained as a medium, and commerce would be reduced to a state of barter for want of one, as the old medium would be withdrawn; nor would the means remain of paying outstanding taxes. Besides which, great injustice would be done to the people of Massachusetts who would be the holders of the bills of other governments unredeemed, and not current by law within their Province, whilst the inhabitants of such governments would receive payment in coin for the Massachusetts bills in their hands.

Such were the ideas of a people used to a paper currency for more than half a century, and so firmly were they attached to it, that
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it was owing to their fears alone, that the bill for calling in this currency, which was at first lost in the House of Representatives, finally prevailed. The bills of credit, as they stood at that time, were redeemable by taxes in future years; and there was a party among those who were opposed to the law under consideration, who wished to redeem them gradually by silver coin at the same periods. This would have eventually made them equal to gold and silver, if no further emissions took place; and such emissions were under the control of the crown. No provision was insured for the relief of debtors, in case of an appreciation from such a cause. This broke the opposition; and the friends of the debtors, of two evils, as they seemed to think them, chose the law as the least.

Hutch. Vol.
2. p. 439.

But the people without doors preserved their prejudices, in a great degree, in favour of the old tenor money. Even the alteration of the nominal value of the currency, was held up as an object of odium; and when the specie arrived, it rather occasioned gloom than joy. The operation of an act for one of the most important and righteous measures

Sept. 18,
1749. Even-
ing Post.

measures in society, was commenced with doubts, murmurings, and even attempts at forcible resistance, instead of universal pleasure and applause.

Hutch. Vol.
2d. p. 440.

It must have given the highest satisfaction to the promoters of the plan, that none of the forebodings of the disaffected party were realized ; but that the most essential interests of the country were greatly served, and the principles of commutative justice settled on a firm foundation, by the introduction of a stable currency ; and it is a memorable example of success, in the cause of probity and true patriotism, against the clamours of the discontented pretenders to those virtues, which ought always to animate honest men in the pursuit of their objects, when struggling against the bustle and intrigues of such mistaken or counterfeiting characters.

The subject of the Governor's salary, though less productive of virulent proceedings than formerly, was nevertheless a stock for opposition to ingraft itself upon. His representation for augmenting his grant this year, was followed by proceedings in the House of Representatives, which, as they involved

involved a question of privilege of speech in its members, and of the rights of election in the town of Boston, and tend to show the strength and operation of the Governor's influence, are not undeserving particular notice.

In the debates of the House, James Allen, Esq. a member from Boston, made the following remark. "Former Houses (I do not mean this House, Mr. Speaker) have passed many villanous resolves, which the Governor unluckily gave his fiat to ; and how it came to pass I don't pretend to say, but, I apprehend, against his own judgment, as I humbly conceive appears from his own speeches.

"And as to the argument for raising the Governor's salary from the rise of provisions, I apprehend, it came with a very bad grace from the Governor's friends, as he had it in his power to prevent it ; and if the creditors or possessors of the bills had a like power, they'd have less reason to complain ; and as to sinking the money, I think the Governor happy that he has not sunk his commission."

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The House took these expressions into consideration, under a motion charging the member with *reflecting upon the legislature*. Mr. Allen having explained himself, his explanation was voted to be unsatisfactory, and a motion for reducing the express words to writing was negatived. After a debate upon the form in which the next question should be put, it was determined thus; “Whether any expressions have been uttered by Mr. Allen, in a late debate, reflecting upon any branch of the legislature?” and was resolved in the affirmative. Mr. Allen then offered a paper as an acknowledgment, in these words. “I did not think the words I delivered were any just matter of offence; nor did I design them as such; nor did I imagine the House could possibly take them in such a sense: *but if they so judge, I am sorry for it*, and that I said them.” This was voted to be unsatisfactory; and the House proceeded to vote, That whereas James Allen, Esq. a member of the House, in a late debate has uttered certain expressions *grossly reflecting on His Excellency the Governor*, for signing certain late acts or resolves of the General Assembly, contrary to the decency required by the House in their debates, and has there-
O fore

fore given just cause of offence, Resolved that, in order to give satisfaction, the following acknowledgment be required from the said Mr. Allen, viz. " I acknowledge my expressions, in their plain, natural sense, contain just cause of offence ; and am sorry I ever made use of them ; and I humbly ask pardon." When Mr. Allen was ordered into the House to hear this acknowledgment, after it was read, he desired to make a motion ; but the Speaker informing him that he could not be heard until he had signed it, he withdrew : upon which the House voted, that until he complied, he should not be allowed his seat ; but negatived a motion for expelling him, and referred the affair to the next sitting. Upon the meeting of the Assembly about a month afterwards, a motion was lost for Mr. Allen to be admitted into the House, and reprimanded by the Speaker ; and it was resolved that he, *for his contempt of the orders of the House*, should be expelled : and a precept was issued to the inhabitants of Boston to elect a person to represent them in his room.

The electors were not disposed to side with the House in the dispute, and they, in fact,

fact, re-elected Mr. Allen to represent them. But the House would not suffer their displeasure to be evaded in this mode, and upon the return of the precept they resolved, That James Allen, Esq. was, when elected by the town of Boston, and still is, incapable of a seat in the present House as a Representative of the said town.

These proceedings, however, operated to exclude Mr. Allen from that House only, as, on the ensuing year, he was returned a member from his town, and by that means placed on a foundation, which, we presume, it was beyond the influence of the gubernatorial prerogative to shake, as he was continued a member until his death, which happened on the 8th. of January, 1755.

The month of June this year, was distinguished by excessive heat and drought: In Neponset and Concord Rivers, the fish are said to have perished from these causes, and to have been left on the banks or on the surface of the ebbing waters in great quantities. The heat may be realized by the thermometer's being on the 18th. at 94° in the

Dr. Win-
throp's
Minutes.

the ball-stop by Hawkesbee's scale, and supposed equal to 101 by Fahrenheit's.

The consequence of this extraordinary intemperateness of the climate, was a scarcity of provisions, insomuch that hay and other articles were imported from Europe, and this was necessarily followed by an excessive advance of the price. Mutual reproaches between the people of the town and country, were carried to a great height; the former crying out upon the extortion of the latter, whilst these retorted the charge, by exclaiming, in their turn, against the extravagance of their accusers. The General Court viewed this drought in so melancholy a point of light, as to order a special fast to intercede for rain; and, considering a connexion between the moral and physical evils of the times, they recommended a prayer, that God would rain down righteousness upon the people. The fall of the year displayed that happy constitution of the climate, which has been frequently experienced in subsequent years, after similar appearances of famine. Nature seemed to be renovated, and produced food for the cattle, with a profusion equal to her late distressing parsimony.

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The treaty of peace, which restored immediate harmony to all other parts of the British empire, had not the same kind operation on her American Colonies. They were still furrounded by savage enemies, whose resentments and cruelties were not to be controlled at once by the agreement of their allies. And the General Court did not think it safe to reduce the number of their forces below 474 men, until negotiations could be entered into and a peace purchased of them. Fortunately, the Penobscot and Norridgewock tribes gave notice of a disposition to treat, and actually sent delegates to Boston for that purpose. But at a conference held with them there on the 23d. of June, 1749, it appearing, to use their own words, "that they brought no other credentials with them than their own hearts," and that they had no further power from their constituents than to give assurances of their desire for peace, the only use that it was thought proper to make of this interview, was to propose a final treaty at Casco Bay, in September following.

Vote Nov. 4,
1748.

Conference
on the Gen.
Court files.

CHAP. VI.

Governor Shirley embarks for England—Affairs pending there—Peace with the Penobscot Indians—Dispute with the Pigwackets settled—Claims of France and England to Nova-Scotia—Military operations there—Society for promoting Industry—Proposals for sending Bishops to America—A quarrel with Indians at Wiscasset—Attack upon the eastern settlements by the Canadian Indians—Law prohibiting Theatrical Entertainments—Expense of the civil list.

THE operations of war having almost ceased on the frontiers of the Province, the abolition of the paper currency being placed in a sure train, and its final extinguishment, as well as the decision of the questions respecting boundaries, being to be effected less in America than in England, Governor Shirley obtained leave of absence for a year in order to return there, and embarked on the eleventh day of September. The controversy at this time well known to have subsisted between him and Brigadier-General Waldo, who commanded the troops destined for

for the intended expedition against Canada, as to the right of making up the public accounts with the crown in that undertaking, was a necessary cause of his voyage; but to become instrumental in the right settlement of affairs which appeared to be so near his heart as those above-mentioned, no doubt, created an additional motive. If such were his views, he was not disappointed. The Marquis L'Galifioniere, Governor of Canada, and the future conqueror of Minorca, having been appointed by the French a commissioner for treating at Paris relative to the unsettled territories of the late belligerent nations in America, Governor Shirley was appointed for the same purpose on the part of the English.

This threw the chief command of the Province on Lieutenant-Governor Phips, who continued it until Governor Shirley's return on the 7th. of August, 1753.

The departing letter of Shirley to his temporary successor, shows that the spirit of opposition, from which former governors had suffered so much, was not without its effect upon him. He expresses a solicitude,
that

that measures might not be taken in his absence, to render his government uneasy to him upon his return : particularly that vacant offices might not be filled unless indispensably necessary ; that in all preferments, men well affected to the government should be carefully selected, and that the appointments in the courts of law should be made only during the Lieutenant-Governor's continuance in administration. And after his arrival in England, he complained, in a letter to the secretary, of information that a factious complaint was signed against him, in which even two of the clergy had joined ; and suggests, that if such opposition should be made, a necessity might arise of exciting an Episcopal interest to counterbalance it : and further, that if the Assembly should pass an act to destroy their last grant of his salary, which was then unpaid, he should feel justified in making himself independent of them in future in that respect, which he thought by no means impracticable.

Nov. 28,
1749.

In the month of January, 1749-50, Mr. Bollan, who had arrived from England in the month of September with the reimbursement money, the great object of his agency, having

having been re-elected, likewise departed again for England on the business of his appointment. His persevering and successful labours in procuring this reimbursement for the expenses of the expedition against Cape Breton, had distinguished him as a suitable man for obtaining further justice for similar services; and his instructions will give us the best idea of the state of affairs open to negotiation in England.

The boundaries of the French possessions, both in the Iroquois country and in Acadia, was an object so interesting and alarming, that the General Court seemed to prefer the present state of partial war, to making any concessions concerning them: and they accordingly impressed upon their agent the necessity of his utmost exertions, particularly to prevent the French having any harbour on the coast of Nova-Scotia: and Governor Shirley declared, that a desire to prevent a wrong settlement of the line between the two nations, rather than a hope of establishing a right one with the consent of the French, was his great reason for accepting his appointment to treat upon the subject.

Instructions
on files of the
Gen. Court
dated Jan.
26, 1749.

Shirley's
Letter to
Willard,
Nov. 28,
1749.

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There was another boundary of the Province brought into controversy, which the government seems to have considered as once finally settled. This was the line between Massachusetts and Connecticut. At an early period, the southernmost part of Charles River was ascertained, and a line run thence three miles south according to the charter; and at the end of this line was fixed a monument, known by the name of *Woodward and Saffery's station*. Hence the line run west, *as the needle pointed* to Connecticut River, and beyond it: and this was the reputed boundary of the old Colony of Massachusetts. Whilst this was supposed to be the boundary, the charter of Connecticut was granted, and that colony was bounded north on the south line of Massachusetts, whose government accordingly granted and settled the towns of Suffield, Enfield and Woodstock, which were all to the northward of the line run as afore-described. A controversy afterwards arising between the two governments, commissioners were appointed by each in the year 1713, who agreed as to the accuracy of the station, but that the line should have been run *due* west. By this variation, all these three townships were thrown into the bounds
of

of Connecticut. But in order to obviate the injustice and inconvenience which would arise to Massachusetts from a rigid adherence to this course, it was agreed that the three townships should remain to that government, and that Connecticut should be compensated by an equivalent in other lands, the greatest part of which was immediately received, and sold by that colony. Thus affairs remained until the year 1746; when the inhabitants of the three townships, feeling disposed to revert back to Connecticut, applied to the government there to be received under its jurisdiction, and availed themselves of the circumstance of the agreement between the two Provinces not being ratified by the crown, nor done under its sanction; and denied their right to abridge the extent of the Connecticut charter. To procure a ratification of this agreement by the crown, became, therefore, an important object to the General Court, and they accordingly included it in their instructions to their agent.

On the score of pecuniary compensations, the Province had further to demand, from the national justice, a reimbursement of monies advanced for the late projected expedition against Canada; for clothing taken
and

and used by the Governor at Louisbourg ; and some measures for compelling the province of New-Hampshire to refund the expenses of maintaining Fort Dummer, which by the running of the boundary line had fallen within its jurisdiction.

In addition to this, the General Court were solicitous to procure some coercion upon the British governments on the continent, in case of a future war ; to make a just and equitable apportionment of the charges of maintaining it, which had heretofore fallen so unequally to the disadvantage of Massachusetts ; to prevent a renewal of the distress which had fallen upon the inhabitants in the late war, by impresses on board the King's ships ; and to effect an equitable redemption of the bills of credit issued by the other governments in New-England.

Commissioners were sent to Falmouth, on the 16th. of October, as had been concluded upon in the month of June, and received from the Penobscot, Norridgewock and St. Francois Indians, what is called their submission and agreement, founded on Governor Dummer's much revered treaty of 1726.

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By this they agreed to forbear all hostilities against the English ; to restore all captives ; to permit the English to enjoy all their settlements and possessions in the eastern parts of the Province ; reserving, however, all lands, &c. not by them conveyed or possessed by the English, and the privilege of fishing, hunting and fowling as formerly ; that all trade should be under the control of the Massachusetts government ; that private revenge of wrongs should yield to redress in a due course of justice, they submitting to be governed by his Majesty's laws ; and that the government of New-Hampshire was included in the treaty. The commissioners then signed a counterpart to this agreement, and having made the usual presents, returned to Boston, where the Lieutenant-Governor issued his proclamation of peace on the 27th. of October following.

The conclusion of this peace was of the more importance, as it facilitated the exchange of prisoners on the western borders, upon which subject great difficulties had arisen. Twenty-six of the Abenaki tribe, or as the English would have them called, Pigwackets, against whom war had been declared

Phips's Letter to La Jonquiere, Gov. of Canada, May 15, 1750.

clared in November, 1744, had come into one of the out forts, and declared themselves satisfied to remain with the English during the contest, and some of them even voluntarily enlisted themselves in the expedition against Cape Breton. Their brethren at home, not, probably, without the interference of the French, affected to entertain great apprehensions, both with respect to their treatment, and their intentions of finally remaining with their enemy. An officer was sent by the Governor of Canada, to accompany one of the tribe to visit these converts to English fraternity, who was unsuccessful in his applications to Governor Clinton, of New-York, and returned in no favourable humour, without coming to Massachusetts. This he declared he was prevented doing by Governor Clinton, who, on the other hand, denied the assertion, and shewed that both the officer and the Indian thought it unnecessary to proceed. Upon their passage to Albany, the Indian met with ill treatment from the sailors of the vessel in which they embarked, and ran away in a miserable condition. When he was found, upon approaching his village, he thundered out the war-song, and, informing the Chiefs of his misadventure,

Letter Clinton to Phips.
Gov. of Canada's
Letter,
March 7,
1750.

adventure, inspired that spirit of revenge to which Indians, are so naturally prone. The murder of some English traders, by way of retaliation, being prevented by La Jonquiere, he sent a second messenger to the Governor of Massachusetts, upon the subject of the Abenauqui prisoners, and to effect the release of two Indians taken by Capt. Gorham from a party who had killed some of his men in whale-boats, and whom he had carried to Annapolis: and the discharge of these savages was so seriously insisted upon, as to become an absolute condition of the exchange of prisoners on the western borders. Before the arrival of this messenger, however, the subject of dispute was fortunately terminated, by the Abenauqui re-associating with their fellow Indians, and satisfaction being given in other respects, at the treaty we have mentioned: and, upon the messenger's appearing, under pretence of ill health, to remain in the Province after an answer was given him, for purposes not clearly explained, he was conducted to Rhode-Island, in his way to New-York, by the Sheriff of the county of Suffolk, in a style extremely equivocal.

Letter of
Phips to La
Jonquiere.

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The right of the Governor of Canada to interfere in the case of the Abenauqui Indians, was disputed upon the principle of their being inhabitants of a territory included within the boundaries of Nova-Scotia, which had been ceded to the crown of Great-Britain : and, as these boundaries will constantly recur and intermix themselves with very many important subjects in the history of Massachusetts, we trust, it will not be thought foreign to our purpose, briefly to sketch the outlines of the disputes concerning them.

Acadia or Nova-Scotia in its largest extent ever contended for, was formed by the Atlantic ocean, which washed it on the south-east, and, winding up the Gulph of St. Lawrence, surrounded it on the eastern quarter, then piercing into the main land by the river of that name, in a retrograde course, but almost parallel with its front shore, formed the back of the province ; which, being thus circumscribed by water on three sides, was separated from New-England on the fourth, by the river Kennebeck flowing across from the Atlantic ocean towards the St. Lawrence. But this immense tract had several natural and imaginary subdivisions, on which the
controversies

controversies respecting it materially rested. Within these boundaries is included a peninsula projecting into the ocean, between which and the main land the Bay of Fundy inserts itself. This flows up to the isthmus which connects the peninsula with the rest of the continent, and this isthmus is washed on the opposite side by the Bay of Verte, in the Gulph of St. Lawrence. On the inner side of the isthmus is Beau Bassin; at the south-eastern point of the peninsula is Canso, opposite to Cape Breton; towards its north-western shore is Port Royal or Annapolis; upon an inlet from the Bay of Fundy, and upon the next inlet eastward, lies Minas.

The peninsula again was divided into several parts, including certain portions of the sea coast, one of which, from Cape St. Mary in the Bay of Fundy, and so round the shore till it comes to Cape Canso, comprehended what the French insisted upon was the ancient Acadia; and the remainder, including all the shore on the south side of that bay, comprehended Annapolis and the districts of Minas and Chignecto; the internal partition between them and Acadia being an imaginary line, drawn through the peninsula, and not

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accurately

accurately defined ; but proposed to cross the points whence the waters take their courses in opposite directions ; that is, towards the Atlantic Ocean on one part, and towards the Bay of Fundy on the other.

Whether a part of this peninsula, or the whole of it ; or, in addition to it, a part of the above-described main land, or the whole of that also, formed Acadia, was the dispute between France and England.

The grounds on which the respective nations founded their claims, were, as appeared by a subsequent discussion, of the following nature.

The English conceived themselves to be the first discoverers and the first actual settlers in the country. They urged against the French their own commissions to their governors, and their exertions to extend the country when they were possessed of it ; the treaty of Breda, by which the forts on the main were surrendered to the French as a part of Acadia ; and the conduct of Charles II. in disregarding a distinction of Sir Thomas Temple, the Governor of Acadia, by which
these

these forts were attempted to be held as belonging to Nova-Scotia, as distinguished from Acadia, and in ordering the surrender of those places as belonging to the latter country, at the instance of the King of France; the memorial of the French ambassador in 1685, setting forth, in order to deny the right of English vessels fishing on the coast, that Acadia extended from Isle Persee to George's Island, at the mouth of St. George's River, and various other instances wherein the crown of France and its servants claimed as Acadia, and possessed as such, the territory from Pentagoet or Penobscot to the most extensive limits in dispute; the grant of Nova-Scotia by James I. to Sir William Alexander, Sept. 10, 1621, which extended to the River St. Croix on the west, and to the St. Lawrence on the north, the space between the St. Croix and Pemaquid being held by him as one of the council of Plymouth under another grant, by an agreement among the grantees, whence the name of Nova-Scotia was communicated to all Acadia; the charter of the Province of Massachusetts Bay, which expressly extends to the Gulph of St. Lawrence and Canada Rivers; that France received the same Acadia by the treaty of Breda,

Breda, which England at this time demanded back again ; the words of the cession in the treaty of Utrecht, “ Nova-Scotia or Acadia in its full extent,” which if these names could be supposed to apply to two different boundaries, must include the whole ; that if the cession intended only the peninsula, it might as well have been ceded by that description ; and lastly, the treaty of Aix-la-Chapelle, which stipulates that all things shall be established on the foot they were or ought to have been before the war.

As to the country between Penobscot and Kennebeck rivers, the English shewed the commission of the French King’s governors to extend as far as north Virginia, or New-England, which must bound Acadia upon the English territories ; and that the French insisted, when Acadia was theirs, that it extended as far westward as the latter river : But the English had an indisputable title to this tract, from discovery, actual settlement, and continued possession.

The French relied upon the construction of the treaty of Utrecht, which stipulated the cession of “ Nova-Scotia, otherwise called

ed Acadia, in its full extent, according to its ancient limits ; as also of the town of Port Royal, now called Annapolis Royal, and in general of all that depend on the said countries and islands belonging to them." They urged, that ceding Acadia according to its ancient limits, was restrictive, and designated, not what had, at any time, been called by that name, but what the ancient name comprehended ; and Port Royal or Annapolis being mentioned particularly, shows that that place was not a part of Acadia, otherwise the express mention of it would have been needless ; that the reason why the cession was not by the name of the peninsula of Acadia, was because that country included only a part of the peninsula ; that if any light was to be thrown upon the construction of the treaty of Utrecht, from the principle of the first discovery and settlement of the territory in dispute, it was in favour of the French ; that the voyage of Sebastian Cabot, in 1497, when he discovered Newfoundland, was undertaken with the sole design of seeking a passage by the North-West to the East-Indies, and not of forming settlements, and was not judged worthy of the attention of England ; and the French might, with greater reason,

reason, arrogate to themselves the empire of the Western Coast of Africa ; they having not only discovered it in the fourteenth century, before it was known to any other nation in Europe, but traded thither, and formed settlements,

As to actual possession, they contended that the first French project for obtaining a settlement in America, was the attempt by the Baron De Lery in 1518, but the first project of the like nature formed by the English was not till sixty-five years after, in 1583, when Sir Humphry Gilbert went to view the Island of Newfoundland.

That the first embarkation of the inhabitants of France, to attempt an establishment in America, was in 1535, by James Cartier, when he built a fort in Canada and took possession of the country ; but the first transplantation of the inhabitants by the English, for settling colonies in North-America, was not till fifty years after, in 1585, when Sir Walter Raleigh landed about one hundred men in the Island of Roanoke.

That

That the first solid and durable settlements made by the French, were those on the coast of the Etchemins, in 1604, who afterwards removed over the Bay of Fundy to Port Royal, in 1605; but the first of all the settlements made by the English was that of Virginia, which was not begun till 1607, when it was confined to very narrow limits; those of New-England were much later. When Smith went to view the country in 1614, it was only known by French names, and he relates that *that of Canada stifled all the others*. The English did not begin any settlements there till 1620, at New Plymouth; those of Massachusetts Bay, or New-England, properly so called, were not till 1629, twenty years after the first French settlements were made on the coast of the Etchemins; and the foundation of Quebec, the capital of Canada, which was laid in 1608, was twenty-two years before that of Boston, which was not founded till 1630.

That France did not take the country by the treaty of Breda as a cession, but as a restitution, she having been the original owner of it.

That

That the grant to Sir William Alexander, so much relied upon by the English, was on condition that the country was vacant, which was not the fact; and was also posterior to the grant of the French King to Dumonts, in 1603; that this grant being void, the bounds of the country described by it under the name of *Nova-Scotia*, never known to the French till the treaty of Utrecht, became a nullity likewise; and so the words “*Nova-Scotia* or *Acadia*,” used in that treaty, could imply only the ancient *Acadia*, or part of the peninsula; and its being mentioned by “its ancient limits,” was to guard against the false boundaries assigned to it by the modern name; that the reason of the country of the Etchemins being included under the name of *Acadia*, was owing to a controversy between two French governors, after which the successful one took this method to extend his dominion, and that this country had been granted by the French crown as a part of *Canada* or *New France*; and several other places, included by the English in their *Acadia*, had been granted only as neighbouring countries with it.

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As to the western bounds of Acadia, the board of trade and plantations had declared that the limits of New-England ought of right to extend to St. Croix River, by which they would reserve to themselves Kennebeck and the river Penobscot within those limits ; and now Acadia was to be brought up to Penobscot ; that by the charter of 1606, the two Virginias ought to extend no farther than to the distance of fifty miles along the coast from the place of their first establishment ; wherefore the most northerly settlement of them, New Plymouth, is so far from reaching to the St. Croix, that the charter would not even bring it to Boston ; that by the charter of William and Mary, the river Sagadahock bounds New England, to which was added all that country to which the English had given the name of Nova-Scotia, and all the country situated between that ideal province and New-England, which was to extend from the river St. Croix to that of Sagadahock. In regard to the country west of Sagadahock, the provincial government was vested with full power to make definitively all the grants they should think proper therein ; but with respect to the country east of Sagadahock, the King reserved to himself

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the right of confirming them ; and whence arose this difference, but from its being known in England that they had no legal right to this country ? and, as a confirmation of this, they did not even give it a name.

The object of the present work will not admit of our taking a fuller view of this controversy ; those who have a curiosity to pursue it thoroughly are referred to a collection of all the memorials respecting it, printed in English at the Hague, in the year 1756, from which this sketch was collected.

Letters on
files of the
Gen. Court.
La Gallifio-
niere to
Mascarene,
Jan. 15,
1749.
La Jonquiere
to Cornwallis,
23d. Oct.
1749.
Shirley to La
Gallifio-
niere, May
9, 1749.

Such being the unsettled limits of these rival nations in Nova-Scotia, that province necessarily became the victim of their efforts to gain foot hold within it. One great mean which the French possessed was the influence of their priests. By the third article of the capitulation in the year 1727, the inhabitants of Acadia were allowed to retain their religion, and, by virtue of it, the bishop of Quebec continued the right of appointing priests, and considered the country as within his diocess. This authority, among a people devoted to the Roman Catholic religion, was a greater engine of power than even a stand-
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ing army, and without doubt, it was effectually used to subserve the interests of France. Lieutenant-Governor Mascarene, therefore, immediately sent the priest from Minas for treasonable practices, exacted new submission from the people of Beau-Bassin and Bay-Verte, whence the French had withdrawn a detachment of their men, and took measures for procuring a like submission from the inhabitants of St. John's River, on the north side of the Bay of Fundy. Of these proceedings the Governor of Canada complained, and demanded at the same time, not only that they should not be continued, but that a restoration of some prisoners hereafter-mentioned should be made; and suggested that it was necessary to the security and tranquillity of the frontiers of Massachusetts Bay, that his demands should be complied with. This being communicated to Governor Shirley, he justified the conduct of the English in his answer with much spirit, and observed, that if the Governor of Canada thought fit to make himself a party in an Indian war against him, he doubted not that his Majesty's subjects upon the continent, would be able to make just reprisals upon Canada, when it should

should be his Majesty's pleasure to have them do it.

7th. Nov.
1749.

La Jonquiere, on his part, sent three detachments towards the entrance of the peninsula ; and several tribes of the St. John's River Indians attacked Minas, killed and took a party of eighteen men, and after summoning the fort to surrender, and continually firing upon it for a month, they retired, without effecting any further injury. This determined Cornwallis, the Governor of Nova-Scotia, to attempt to chastise the savages as soon as the season would permit him, and he requested the aid of Massachusetts in his plans. But the Lieutenant-Governor could not prevail upon himself to declare war against the Penobscots, some of whom were suspected to have been concerned in this attack, before they should be heard, after so recently concluding a treaty with them.

Letter Corn-
wallis to
Phips, Dec.
18, 1749.

Letter Corn-
to Phips
April 11,
1750.

June 9, 1750.

Cornwallis appears to have entertained the highest indignation at this moderate temper, and to have expressed it even in terms of strong reprobach. Nevertheless, the General Assembly voted, that they were unable to aid in expelling the forces which had been sent from Canada to take possession of Nova-Scotia ;

Scotia; and complained of the exemption of the other colonies from the charge of defending it. But Cornwallis, without waiting for external aid, dispatched a party of four hundred regulars and rangers, under the command of Major Lawrence, to dislodge the French and Indians from Chignecto. He thought himself justified in this, from the conduct of the French priests, in exciting the Indians to the late attack, in causing the inhabitants of Chignecto to swear allegiance to the French King, in stirring up others to rebellion, and in using promises and threats to make them retire from the country under his government.

Letter Corn.
to Phips,
May 3, 1750.

Upon this force appearing in sight, La Corne, the French Commander, set fire to Beau-Bassin, carried the inhabitants, with their effects, over the river, where he planted the French colours, supported them by a force of 2,500 men, with whom he lined the dykes, and declared that he would defend his post to the last extremity. The country from Chignecto, along the north side of the Bay of Fundy to Kennebeck river, he claimed as belonging to his Most Christian Majesty; and it appeared to be the wish of the French
to

to draw the inhabitants to this tract from the peninsula. The effect of this affair was, the building of forts at Minas and Beau-Bassin by the English, and others in opposition to them, at Beau-sejour and Gaspareux, by the French,

This spirited behaviour of La Corne appears to have equally irritated and surprised Governor Cornwallis, who termed it the faithless, violent proceedings and ambitious views of the French, of which he sent an account to England, and again called upon the northern British colonies to take vigorous measures to assist him in driving them out of his province,

Although the Massachusetts government, exhausted as they were, found themselves unable again to dislodge the French forces from Nova-Scotia, yet the commander in chief held up the cause of that province as their own, in his letters to the Governor of Canada, and every exertion within their power was made. Directions were given for ascertaining whether the Penobscots were concerned in the affair at Minas. Lord Colvill was requested to proceed with his frigate
to

to seize any French settlers who might be on the coast; and the provincial armed sloop was put under his command upon the same service.

Gen. Court
files, May
10, 1750.
Aug. 29,
1750.

The dissipation of manners and the check to population necessarily resulting from the late circumstances of the country, demanded and received the attention both of individuals and the government. The former established the society for promoting industry and frugality, and the latter purchased the factory in Boston, to forward their views; and granted likewise four townships of land for the use of foreign Protestants, permitting the provincial frigate to be employed in their transportation.

Gen. Court
Records, Jan.
24, 1749.

Among the laws passed by the General Court in the year 1749, besides those for calling in the bills of credit already spoken of, we may notice the act to prevent vexatious law-suits, by which personal actions were limited to the counties where one or the other of the parties lived; and an act for punishing offenders, who might attempt to extort money from persons by menacing letters, a crime actually practised upon the Governor,

Governor, and several other persons in this Province and New-Hampshire.

Bollan's
Letters.

The only instance, in later periods, of any attempt affecting the religious liberties of the British Colonists being made in England, occurred in the present year. This consisted in the originating or reviving of a plan for sending Bishops to America. The political reason on which it was founded was the circumstance of several nonjuring clergymen in the interest of the Pretender having come into the country from Great-Britain, whose influence it was necessary to counteract and destroy. But some leading persons in the ministry being opposed to it, the project was laid aside in the Cabinet. Nevertheless, the society for propagating the gospel, from different views, no doubt, took it under their patronage; and considering the chief obstruction to it as arising from a supposed jealousy in the Colonies, that introducing ecclesiastical jurisdiction among them might interfere with some rights, which by custom or by acts of their respective assemblies were vested in other hands, they stated,

I. . . . That

1. That no coercive power is desired over the laity in any case, but only a power to regulate the behaviour of the clergy who are in Episcopal orders, and to correct and punish them according to the law of the Church of England, in case of misbehaviour or neglect of duty, with such power, as the commissaries have exercised.

2. That nothing is desired for such bishops that may in the least interfere with the dignity, or authority, or interest of the Governor, or any other officer of State. Probates of wills, license for marriage, &c. to be left in the hands where they are; and no share in the temporal government is desired for bishops.

3. The maintenance of such bishops not to be at the charge of the Colonies.

4. No bishops are intended to be settled in places where the government is in the hands of Dissenters, as in New-England, &c. but authority to be given only to ordain clergy for such Church of England congregations as are amongst them, and to inspect
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into the manners and behaviour of such clergy, and to confirm the members thereof.

As the Province of Massachusetts Bay was slightly interested in the terms of these propositions, and not at all affected by any future progress of Episcopacy under the royal government, the reader, it is presumed, will be satisfied with this statement of the fact, without comment upon a system so essentially interwoven with the government of England; but so distinct and harmless under the political establishments of America.

Dec. 2, 1749. The peace with the eastern Indians was scarcely concluded, when an accident took place which had nearly brought the whole Province into a fresh state of war. A quarrel happened at Wiscasset, between several white men and some of the Norridgewock tribe who are included under the general name of Abenakis, wherein one of the latter was killed, and two badly wounded. The unalterable resentment of Indians made this event a matter of serious concern; and it became more so from a rescue of the supposed murderers from the hands of justice at Falmouth, after they had been apprehended under

der the Governor's proclamation. The immediate relations of the slain Indian appeared to be well reconciled to complying with the provision made in the treaty for suppressing private revenge, and were not averse from being appeased by suitable presents. But the Aresaguntacooks and Weweenocks, colonies of the Abenakis situated on the river St. Francis, in French neighbourhood, seized this occasion to influence the Penobscots, and to carry war into Massachusetts. In pursuance of this plan, about eighty Canadian Indians marched, at the instigation of the Governor of Trois-Riviers, as it was said, to the eastern parts of the Province.

Letter Clinton to Phips
Sept. 24,
1750.

In the mean time, the government was careful to pursue the late treaty, by providing the means of executing justice according to law upon the supposed murderers. One of them having been tried and acquitted in the county of York, the General Court ordered the two who remained, to be removed for trial into the county of Middlesex, from an apprehension, no doubt, that the prejudices of the people in the neighbourhood of the Indians, would not admit of an impartial trial
in

Copy of
Phips's Letter to the
Norridge-
wocks, July
5, 1750.

in such a cause. The relations and chiefs of the injured Indians were invited to be present at the trial, that they might be witnesses to the fairness of the proceedings. Thirteen of them arrived at Boston to confer upon the subject, and having accommodated the business with the Governor, they returned, apparently well satisfied.

Aug. 2, 1750,
Evening
Post.

1750.

Letter Phips
to Col. Ezek.
Cushing,
Sept. 27,
1750.

Letter Sam.
Denny to
Phips, Sept.
27, 1750.

But their family auxiliaries from Canada did not suffer the business to pass off in so easy a manner. About the 11th. of September, they attacked the Fort at Richmond; on the 21st. they carried off a prisoner from New-Marblehead, and on the 25th. they entered into the midst of the settlement at Georgetown, and attacked a house within call of the garrison, situated upon Parker's Island. Here they met with an instance of valour, from a man who was alone in the building, which is deserving of notice. He defended his habitation until the savages broke into it, and then leaping out of a back window, sought his safety in flight; but the closeness of the pursuit obliged him to take to the river, and attempt the saving of his life by swimming to the Island of Arrowick. In
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this tract, however, the enemy pursued him in a canoe, and must have dispatched him in the water, had it not been for his peculiar adroitness and presence of mind. In this disadvantageous position, he turned upon his pursuers, overset their skiff, and by this ingenious shipwreck threw them upon the same level with himself. When his enemies were thus dislodged from their float, he reached the shore uninjured, and effected his escape; whilst they meanly exhausted their vengeance by burning his little house and hovel, in return for the effects of his valour, which, from the blood discovered in their tract, appeared not to be inconsiderable. The hostile savages had visited Swan-Island, and, having done what mischief they thought to be within their power, by killing cattle, burning houses and taking prisoners, they returned with fourteen captives to Canada.

Letter Jabez
Bradbury to
Phips, Oct.
10, 1750.

This daring invasion of the frontiers impressed the whole Province. The Governor gave orders to alarm the neighbouring towns, and to send one hundred men on a scouting party to scour the woods; but the enemy had marched off. He called the General Court

Orders Phips
to Cushing,
Sept. 14,
1750.

Sept. 26,
1750.

Court together, and laid before them the advices he had received of hostilities being committed. They voted 150 men to defend the frontiers, and conceiving that this invasion was undertaken at the instigation of the French, they requested the commander in chief to transmit a letter remonstrating against this conduct, and demanding the release of the prisoners,

Draught of
the Letter
ordered, on
the files of
the Gen.
Court.

Letters from
Wm. Lith-
gow, Oct. 6,
1750. Jabez
Bradbury,
Oct. 10,
1750, and
Lewesquad-
ock, Oct. 10,
1750.

After the Canadian Indians had retired, the Norridgewocks and Penobscots appeared to solicit a renewal of their trade and former connexions; and in the spring of the year, those of the St. Francis and Cagnawaga tribes likewise intimated a disposition for peace.

In tracing the manners and taste of the people, it is material to notice a temporary law of the present year prohibiting theatrical entertainments. The exhibition which gave rise to this moral regulation, is said to have been played at the Coffee-House, in Boston, by two young Englishmen, assisted by some volunteer comrades from the town. The Orphan, or Unhappy Marriage, by Otway, was selected for the subject. Some disturb-

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ances arising at the door from the eagerness of the inhabitants to become spectators, rendered the affair more notorious; and the Legislature, adhering to the first principles of their forefathers, took occasion from it to attempt the continuing and perpetuating to posterity, the system of economy and purity, which had singularized the settlement of the country. Successive Legislatures revived the law for near half a century, until the overbearing zeal which displayed two theatres in the capital, influenced the government to desist from the further control of such a prevailing change in the manners of the people.

Pember-
ton's M. S.
Massachu-
setts Chro-
nology.

The allowance of salaries to the civil list for this year, including more than six months services to the Lieutenant-Governor, but exclusive of the pay of the members of the Legislature, and of the Governor, who was absent, amounted to £.1864..13..4, a sum which, compared with the present expense of government, rather serves to show the depreciation of money, and the necessary extension of the several public departments, than any deviation from that principle of economy which
the

the most meritorious services have never relaxed into profusion.*

* The proportions were

To the Lieutenant Governor	£.200
Judges	750
Secretary	106..13..4
Treasurer	186..6..8
Commissary	160
President of Harvard College	186..13..4
Professor of Divinity	100
Clerk of the House of Represent.	64
Two Chaplains	11
Messenger	100
	£.1864..13..4

C H A P. VII.

Act of Parliament for restraining bills of credit in the Colonies—Complaint of the West-Indian sugar planters against the Northern Colonies—Cessation of hostilities against the Eastern Indians—Measures for civilizing the Mohawks—Controversy respecting the right of appointing the Attorney-General—Act of Parliament to prevent the erecting of Slitting-mills—Small-Pox—Conference with the Eastern Indians—Governor Shirley returns—The Treaty with the Indians renewed.

THE system of British administration in the government of the Colonies, which terminated in producing such important events, cannot be too minutely traced in any stage of its progress. We therefore introduce the history of the year 1751, with a recital of two transactions in Parliament, which we conceive to be of essential consequence in this respect; the one as it develops the intrigues of the ministry to extend the prerogatives of the crown; the other as it shows the relative importance of the northern Colonies,

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the nature of their trade, and the tenor on which they were suffered to carry it on : and we shall find that the Colonists of Great-Britain, like the clouds that floated over her island, traversed the commercial horizon through all its extensive circuit, and attracted the enriching exhalations of its various channels, only to discharge them in fructifying showers, and with unreserved profusion, into her bosom.

Bollan's
Letters,
July 12,
1750.

In the year 1748, a bill had been brought into Parliament, by which all the King's instructions were to be enforced in the Colonies ; but the plan was too bold to stand against opposition, when detected and fairly explained. It swept away all the charters without trial or legal judgment, and established a precedent which might finally have dragged the mother country herself into despotism and ruin. Advantage, however, was taken this year, of the desire of all honest men to abolish the paper currencies in America, and a bill, formed to effect this laudable plan, was clogged with a provision to give efficacy to the royal instructions in this particular only. The bills of credit having been used as money in the Colonies, and the
King's

King's prerogative over the coin being very extensive, it was expected that a precedent might be established as it respected this object; and when once admitted in so plausible a case, might be extended to others, until the whole views of the first bill should be gradually adopted. The abuses of paper money systems were a great aid to the plan, as the abolishing of them was so obviously just, that a collateral or incidental point could be easily thrown into the current, which was set so strongly against those reprobated engines of mischief. The great hazard which the rights of the Colonies were undergoing by this sweeping clause in favour of royal power, which would have levelled every check founded upon the grants and charters of the crown, excited a proportionable opposition on the part of the Province. An alarm was given, and the baneful attempt was resisted by the provincial agent with happy success. The acts of the crown in granting and confirming the soil, and establishing the liberties of the Colonists, were too inconsistent, with the present contrivance to render both dependent upon its pleasure, to stand a scrutiny. An offer was at length made to leave out Massachusetts from the bill, and retain the
matter

matter of the instructions, or to leave them out and retain the Province. The agent insisted upon the omission of both. However, the latter alternative prevailed ; and may be considered as a happy escape for the liberties of the Province from the grasp of the crown. Thus originated the act for regulating and restraining bills of credit in the Colonies, by which no such money was allowed, excepting for the current expenses of the year, and in case of an invasion ; but in no case was it to be a legal tender for the payment of debts, on pain of dismission from office on the part of any provincial governor who might assent to it, and a perpetual incapability of serving in any public employment.

At the same session of Parliament came on the complaint of the West-India sugar planters against the northern Colonies. This was a very unequal contest as it respected the circumstances of the parties ; the complainants being one of the most wealthy and influential class of subjects within the British dominions, whilst the accused were known to possess very moderate local advantages, and to have little more than their industry and economy to boast of.

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The West-Indians charged the northern Colonists with being, in fact, the agents of France, and other foreign nations, carrying on commerce in Europe and America, but especially to the foreign sugar Colonies, for their benefit, and against the interest of the mother country, and thus preparing the means of finally becoming independent of her. This general charge was detailed in several particulars, and was as particularly answered by the agent for the Massachusetts Bay as it respected that Province ; though it should be observed, that Rhode-Island was considered as the principal aggressor. It was alleged that the trade was carried on in foreign bottoms, contrary to the act of navigation, and under colour of flags of truce, both of which charges were denied, and the latter retorted upon the sugar Colonies ; but the evidence of this was too positive, as it respected some of the parties concerned, to be easily diverted. A better ground of defence was taken, when it was submitted whether it was not the policy of a trading nation, when at war, to supply the enemy with any thing which a neutral nation could supply them with, who would otherwise certainly benefit the
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the enemy, and put the additional profit into their own coffers,

It was also alleged, that the northern Colonists supplied the French with lumber necessary for their sugar works, and which they could not procure in any other way, especially as the navigation of the River St. Lawrence was too hazardous to be relied on by them for this purpose ; that they could find no vent for their rum and molasses, if the English did not take them, which they were under no necessity of doing ; as their own sugar Colonies could make sufficient to answer the demand of those on the continent ; and but for their affording this vent, the French might be distressed in their sugar trade, and finally beaten out of all the foreign markets in Europe. In answer to this it was said, that the whole of the French supplies for mill-works, &c. being already had at the islands, or brought from Old France, it would by no means be impracticable to furnish themselves with boards and shingles for their buildings from the same quarter, if Canada could not do it : but it was absurd to suppose, when the French had built large ships of war in that province, and used a number of trad-
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ing vessels annually up and down the river, that they could not avail themselves of the lumber known to be growing there; that the English carried about 2000 hogsheads of rum, distilled from French and Dutch molasses, yearly to the coast of Guinea, which the French would supply if the English did not; and perhaps would introduce it by various channels into the English Colonies; that the sugar islands of the English would not find it for their interest to increase the quantity of their sugar, as the price would diminish in proportion, nor could they make rum and molasses enough to supply the northern Colonies, which was evident from those articles having risen fifty per cent. within twenty years; and this also proved that the former did not want encouragement, seeing they were supplied with necessaries for their slaves, buildings and sugar works, at as cheap, or a cheaper rate, than formerly; that as to beating the French out of foreign markets, it could never be done whilst the English sold their sugar at the place of produce, thirty per cent. dearer than the French sold theirs; for if the latter were to add the value of all the molasses which they sell the English to the price of their sugar, they
would

would still be able to keep them far out of sight at foreign markets. When the English West-India subjects should be content with as moderate profits in their business as those of the northern Colonies were, what they had to say upon this head might deserve attention ; but their present views could be nothing more than to raise the price of their commodities upon their countrymen.

Further objections were made, on the principles of this trade carrying away money from the English West-India islanders, who, in the course of it, were obliged to pay for their lumber in cash, into the foreign Colonies who might be constrained to purchase their lumber of the English with ready money only ; that in this trade the English took European and East-India commodities from foreigners, which they ought to take only from the mother country, and that the French did all in their power to encourage it, knowing the immense advantages which they derived from it.

These objections were answered by observing, that as the English wanted molasses more than the foreign Colonies wanted their articles
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in exchange, constraint did not so much belong to them as to the French; that the charges were inconsistent with one another, it being in one instance alleged, that the northern Colonies, in the course of this trade, imported goods from foreign European ports, and in another, that they imported those goods from foreign Colonies, in which the goods must have been obtained so much dearer than in Europe, that no people who had the one means would have recourse to the other; but that no such importation was made from either quarter to any great value; and that, although the English sometimes sent money to foreign Colonies, yet, upon the whole, they got more gold and silver by the trade than they parted with; that as to the French encouraging this trade, it was so far from being the case, that the English were obliged to carry it on through the medium of the Dutch island of St. Eustatia, where the French subjects resorted to exchange commodities, in express violation of their King's edicts.

The last objection, that there was danger of the northern Colonies becoming by this trade independent of the mother country,

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was refuted, by fhewing that trading even with an enemy in time of open war, did not create any fuch connexions and dependencies as the fugar planters fuggested. This was evidenced in the cafe of the Dutch, who traded with Spain when they carried on the fharpeft war againft Philip II. and in the wars of Queen Anne's time, when they traded alfo with the enemy. But the military hiftory of the country which difplayed fo zealous a fpirit againft the French, and in which thofe who had traded moft with them were fome of the foremoft, proved that there was not the leaft reafon to call in queftion the inviolable attachment of the Province of Maffachufetts Bay to its mother country.

These particular objections being answered, the utility of the rum trade to this Province was fhown by fuch a thorough investigation of it in its various dependencies, as deferves, we think, to be literally extracted from a ftate of the cafe, fince it affords the moft fatisfactory commercial hiftory of the period which we are now fpeaking of that perhaps can be obtained.

The

The course of the trade of Massachusetts Bay is thus described :

1. “ A great part of the inhabitants of Massachusetts Bay live chiefly by the sea, and are employed in

“ 1. Fisheries.

“ 2. Navigation.

“ 3. Building and providing materials for ships.

“ By these employments, they depend upon Great-Britain for

“ 1. Clothes.

“ 2. Materials for furnishing their houses, of many kinds.

“ 3. Cordage and sail cloth for equipment of their vessels.

“ 4. Lines, hooks and cables, &c. for the fishery.

“ They are dependent on the northern Colonies for bread corn.

“ Rum is their chief manufacture ; there being upwards of 15,000 hogsheads of rum manufactured in the Province annually.

“ This

“ This, with what they get from the English islands, is the grand support of all their trades and fishery ; and without which they can no longer subsist.

“ Rum is a standing article in the Indian trade, and the common drink of all the

“ 1. Labourers.

“ 2. Timber-men.

“ 3. Mast-men.

“ 4. Loggers and

“ 5. Fishermen, in the Province.

“ These men could not endure the hardships of their employments nor the rigour of the seasons without it.

“ Rum is the merchandize principally made use of to procure

“ 1. Corn and

“ 2. Pork for

“ 1. Their fishermen and

“ 2. Other navigation.

“ The best and cheapest provision in this way of life.

“ This

“ This is done in winter, when there is no catching fish, nor any other employment for the fishermen.

“ Then, a great number of fishing vessels with their men, go to North-Carolina, Virginia, Maryland, &c. there trade with rum and molasses for corn and pork ; which serves for a supply for the next season.

“ Newfoundland has large annual supplies from Massachusetts Bay of rum, molasses, pork, &c. without which they could not carry on the fishery to so much advantage.

“ Halifax, at present, and for some years at least, must depend on New-England for a supply of those articles, in order to carry on the fishery ; which can only be done by coming at those commodities at a moderate price,

“ The rum carried from Massachusetts Bay, and the other northern Colonies, to the coast of Guinea, is exchanged for gold and slaves. The gold is sent to London, to help to pay for their annual supplies ; and the slaves are carried to the English sugar Colonies,

nies, and exchanged for their commodities, or sold for bills of exchange on Great-Britain.

“ So that rum is useful in all their traffic, especially in supporting the fishery ; not only as it is the common drink of persons in that business, but in being a mean of employing the vessels and men at a season, when no other business can be carried on by them ; and procuring provision for their supplies ; which otherwise they could not have but by their labour at the season proper for fishing : But

“ The necessity of the molasses and rum trade to support the fishery, will appear in a stronger light, when it is considered,

“ 1. That there is a large proportion (according to the best information now to be had, 25 per cent. of the whole New-England fishery) of fish of an inferior quality, and which they call Jamaica and refuse fish, and for which there is no vent at the markets in Europe. This is the chief article made use of for procuring rum and molasses, not only from the English sugar islands (which are kept continually stocked with this sort of fish, and

and with vessels waiting for their molasses) but also from the foreign Colonies ; who take off the far greater part of this fish. Such quantities of this sort of fish are made, that the whole vent in the English and foreign Colonies that can be obtained, is not always sufficient to consume the whole, but sometimes considerable quantities perish.

“ 2. That in the Newfoundland fishery there is also made a considerable quantity of fish, of inferior quality, called prize fish, and refuse fish ; and the greater part of their refuse fish is taken off by the traders from Massachusetts Bay, who give them molasses, rum, and other commodities for it, and afterwards carry it to the foreign Colonies, and barter it for their molasses ; and without this trade to the foreign Colonies, the New-England traders could take off no part of it : for there is made in the New-England fishery a much greater quantity of refuse fish than is sufficient to supply all the English sugar islands.

“ 3. There is carried on in Massachusetts Bay also a large fishery for mackarel, alewives and other small fish ; which are pickled, and
carried,

carried, some to the English sugar islands, but the far greater part to the foreign Colonies, particularly the Dutch.

“ 4. Low prized horses, which are produced in the country wild, without much expence or labour, some small articles of provisions, and some (but according to the best information but little) lumber, with some lesser articles, are also exported from Massachusetts Bay to foreign Colonies, and exchanged for molasses, which being thus procured, is manufactured into rum for uses aforementioned.

“ 5. The whale fishery is also greatly affected by this trade. For rum is the common drink of the persons employed in it ; and the vessels and men are employed and supported in the winter season by a traffic made with rum, &c. to the neighbouring Colonies.

“ From all which, the dependencies of all the trade and fishery of Massachusetts Bay on this rum trade fully appears.

“ With

“ With respect to the general trade of that Province, it ought to be observed, that all the produce of their cod fish at the markets in Spain and Portugal—all the oil they catch—all the ships they build—all the freights they make—all the money they get by specie or bills of exchange—and all the profits from every branch of their trade, centre in Great-Britain annually ; and yet, according to the best information, the whole is not sufficient, *communibus annis*, to pay their mother country for the supplies for which they depend on it. So that the inhabitants of Massachusetts Bay are, for their numbers, some of the most useful subjects in the British dominions ; being, in their trade and fishery, some of the greatest consumers of the natural produce of Great-Britain, and, by their employments, formed for its great support, navigation.”

From evidence in the cause, when before the lords of trade, it appeared that Jamaica at this time produced about 12,000 puncheons of rum, of 110 gallons each, per annum ; Barbadoes 12,000 ; Antigua from 10,000 to 12,000 ; St. Christopher's 6,000 ; Montserrat 1,500 ; amounting in the whole to at least 41,500 puncheons, or 4,565,000 gallons.

W

From

From authentic documents it appeared, that the value of the goods, exported from England to the northern Colonies, betwixt the years 1720 and 1730, were,

To Carolina,	-	-	£.394,314.. 7..5
New-England,	-	-	1,747,057..19..0
New-York,	-	-	657,998.. 7..3
Pennsylvania,	-	-	321,958..10..5
Virginia and Maryland,	-	-	1,591,665.. 6..8

£.4,712,994..10..9

And betwixt the years 1738 and 1748, as follows, viz.

To Carolina,	-	-	£.1,245,091..16.. 1
New-England,	-	-	1,812,894..12..10
New-York,	-	-	1,211,243..14.. 3
Pennsylvania,	-	-	704,780.. 1.. 2
Virginia & Maryland,	-	-	2,507,626..18. 5

Total, Sterling, £.7,481,637.. 2.. 9

It also appeared, that the amount of duties paid in the northern Colonies, including the Bahama islands and Bermuda, (Nova-Scotia paying nothing) upon the importation of rum or spirits, molasses or syrups, sugar and pan-
cles of the growth and produce of any for-
eign settlements, from the year 1733 to the
year 1749, both merchandize and prizes, in
pursuance

purfuance of the laws for encouraging the trade of the fugar Colonies, was 6th Geo. IIId.

	Years.	Years.	Merchandize.	Prizes.
	1733	1734	£.330..11..1 $\frac{1}{2}$	
	1734	1735	151.. 4..0 $\frac{1}{4}$	
Fr. Christmas	1735 to C.	1736	292..13..9 $\frac{1}{2}$	
	1736	1737	220.. 1..6	
	1737	1738	68..16..0	
	1738	1739	108..11..4	
	1739	1740	25.. 0..0	
	1740	1741	100..15..6	
	1741	1742	722.. 7..6	£.140.. 1..6
	1742	1743	461..19.. $\frac{1}{2}$	41.. 5..9
	1743	1744	234..17..9	66..14..2 $\frac{3}{4}$
	1744	1745	98.. 8..9	3,081..10..6 $\frac{1}{4}$
	1745	1746	354..17..7 $\frac{1}{2}$	124..17..3
	1746	1747	460..15..5 $\frac{1}{2}$	1,259.. 5..3 $\frac{1}{4}$
	1747	1748	693.. 4..6	2,762..13..4 $\frac{3}{4}$
	1748	1749	1,279.. 0..4 $\frac{1}{4}$	139..16..3

Sterling, £.5,603.. 4..4 $\frac{1}{2}$ £.7,616.. 4..2

These duties were received in the following proportions, viz.

Colonies.	Merchandize.	Prizes.
From the Bahama islands,	£.777.. 3.. 2 $\frac{3}{4}$	£.1,879..18..5
South-Carolina, -	671..18.. 1 $\frac{3}{4}$	3,073.. 3..1
North-Carolina, -	_____	529.. 4..2
Virginia, - - -	61.. 5.. 3 $\frac{1}{2}$	587.. 7..9
Maryland, - - -	63..15.. 0	_____
Pennsylvania, - -	600.. 6..10	114..11..9
New-Jersey, - - -	45..16.. 6	_____
New-York, - - -	2,002..12.. 0	_____
Connecticut, - -	_____	98..11..3
Rhode-Island, from which no accounts were receiv- ed after Michaelm. 1744, }	_____	_____
Massachusetts, - -	1,043.. 6.. 5 $\frac{1}{2}$	313.. 1..7
Nova-Scotia, - - -	_____	_____
Bermuda, - - -	337.. 0..10 $\frac{3}{4}$	1,020.. 6..2
	<u>£.5,603.. 4.. 4$\frac{1}{4}$</u>	<u>£.7,616.. 4..2</u>

At the close of the controversy between the sugar planters and the northern Colonists before the lords of trade, the former relaxed in their demand of the total prohibition of the commerce in question, and substituted a request that the northern Colonies only might be prevented taking rum, sugar or molasses in return for their commodities, from the French islands, which indeed amounted to little less than a prohibition : And the parties stood so equally balanced before Parliament this session, that the further consideration of the subject was postponed to the next.

Printed
Treaty.

The hostilities on the frontiers of the Province, which began to give place to pacific appearances the last year, were settled into a more permanent state of reconciliation, by a treaty, which was held at St. Georges in the month of August, between commissioners on the part of the Province, and delegates from the Penobscot, St. John's and Passamaquaddy tribes of Indians. It may not be amiss here to observe, that one of the persons charged with the murder of the Indian at Wiscasset, had been tried in the county of York in the month of June preceding ; and although he was acquitted of that crime, yet he was convicted

victed of assaulting two other Indians, with an intent to kill them, and was sentenced to severe punishment. How influential this measure might have been in effecting a cessation of the war, is uncertain; but no mention is made of it at the treaty. Although the Norridgewocks, who were the most hostile nation, were not represented at this treaty, yet the commissioners thought proper to accept the assurances and engagements for peace which were offered on the part of those who were present, under an expectation of a future interview, instead of a more general compact, which could not at this time be obtained, through the great distance and even unknown retreat of the absent parties. The Governor, on the strength of this treaty, issued his proclamation for a cessation of hostilities, on the third day of September.

Whilst the several branches of the government were endeavouring to promote peace with the Eastern Indians, they were no less attentive to quiet those at the Westward, upon still more refined and durable principles. Having appointed commissioners to attend the interview with them at Albany, they attempted a plan for winning over the Mo-
hawks

Records of
the Gen.
Court.

June 7.

hawks to civilization. They voted to purchase a tract of land of three miles square in Sheffield, and to erect there two houses of instruction for the Indian youth of either sex, who were to be maintained at the expense of the Province, so far as the donations of Mr. Hollis and the society for propagating the gospel might fall short of their support ; they also directed that these youth should be instructed in husbandry, and that provision should be made for supplying the Mohawk families, until they should be able to realize the produce of their lands : and, in order to facilitate the communication between the two nations, it was provided that two English youth should be taught the Indian tongue at the same place. Sir Peter Warren, in aid of so charitable and humane an undertaking, changed the appropriation of seven hundred pounds sterling, which fell to him as commissions for receiving the reimbursement money, and which he had presented to the Province, from building a court-house in Cambridge, to the education of the Mohawk children : And a letter was sent to the government of Connecticut, inviting their assistance in the erection of this novel seminary of learning.

At

Records of
the Gen.
Court.

At the elections in the General Court this year, a controversy was renewed between the Council and House of Representatives respecting the choice of an Attorney-General for the Province, which, as it sprung from an ambiguity in the charter, may not be unworthy of notice. It was provided by the charter, that the General Assembly should have power to erect and constitute judicatories for the trial of all causes ; and that the Governor, with advice of Council, should appoint judges, commissioners of oyer and terminer, sheriffs, provosts, marshals, justices of the peace, *and other officers to our council and courts of justice belonging.* And further, that the General Assembly should name and settle annually all civil officers within the Province, such officers excepted, the election and constitution of whom was reserved to the King or his Governor.

The House contended, that the right of choosing rested with the General Assembly, because the Attorney-General was a civil officer ; that the General Court had the sole right of erecting courts of justice, and, of course, of creating the officers constituting it ; but they never made the Attorney-General a
part

part of any such court, which left him an officer of the whole government, and not excepted from the General Court's appointment ; that he could not be included in the words, *and other officers to our courts belonging*, when inferior officers, such as sheriffs, &c. were expressly named, general terms being used to express trivial things, such as might be forgotten after enumerating great ones ; that the representatives in other charter governments joined in the choice of this officer, and it was so under the old charter ; that he was chosen by the General Court in June, 1716, and the choice was consented to by William Tailer, Esq. late commander in chief, and it was so in Governor Shute's and Lieutenant-Governor Dummer's administration ; and every Board since, for thirty-five years, had acknowledged the right of the House, by joining with them in the choice : They also urged, that the negatives which had been put upon their choice of several persons by the Governors, as had happened in the case of James Otis, Esq. among others, was an argument in their favour, as they presupposed an election.

On the other hand, the Council stated the case generally to be thus. That in Governor Burnet's administration, he nominated Mr. Overing, and the Council advised and consented to it. Soon after his death, the Board were prevailed on to join with the House in the choice; but the Governor refused his consent, and succeeding Boards ever since joined with the House in the choice of that officer, and their right so to do has been denied by the several Governors; that the first appointment by Governor Burnet continued in force until Mr. Overing's death, after which, upon Governor Shirley's nominating the present Attorney-General, Mr. Trowbridge, the Board very maturely deliberated upon the affair, advised to the nomination, were convinced of the inconsistent actions of the Board in former years, determined to persevere in consistency for the future, and continued in the same resolution.

The result of this dispute was the same as had before taken place. The House were obliged to join in the choice of other civil officers, reserving their right as to that of the Attorney-General.

As an elucidation of the system of colonial government which England intended to adopt, and of its being founded on the partial idea of encouraging the Plantations in such mode only as would tend to the final profit of the mother country, and checking every exertion which might thwart her interests though promotive of theirs in the most essential concerns, we may adduce the memorable act of the British Parliament for encouraging the importation of pig and bar-iron from the Colonies in America, and to prevent the erecting of any mill for the flitting or rolling of iron, or any plating forge to work with a tilt-hammer, or any furnace for making steel in any of them. The object of this law was to furnish the manufactures with iron, from a country which, instead of money, would take the woolens of Great-Britain: And so little were the interests of the Colonists consulted in it, that the only obstacle to the bill seemed to be from the possessors of iron mines, woodlands, furnaces, &c. in England, and great care was taken not to injure them, by providing that American bar-iron should be imported only into London where the market was before wholly supplied with foreign iron.

This

23d. Geo. II.
ch. 29.

Bollan's
Letter,
April 5,
1750.

This arbitrary law prohibited the erecting or continuing any of the machines aforementioned in the Colonies, under the penalty of £.200 sterling, and the Governors were directed to transmit certificates, with very particular descriptions of all such as were erected before the enacting of the law. By such a certificate it appears, that there were in Massachusetts four of these prohibited machines, of which two were in the town of Middleborough, one in Hanover, and one in Milton.

Minutes of
the Gen.
Court.

The year 1752 was rendered remarkable by the spreading and termination of the small-pox in the towns of Boston and Charlestown. It is well known, that Doctor Boylston had the merit of first introducing the practice of inoculation to the capital, from an account which he met with of its success in Constantinople. The prejudice against this salutary invention ran as high as superstition could well carry it; but, like other groundless apprehensions, it has been worn away by time, and left no other effect behind it, than adding to the fame of those whose characters it had most maliciously attempted to destroy. The result of the disease was, that in Boston, 5,059
white

white persons, and 485 blacks, suffered themselves to be seized with it in its natural course, of whom 452 whites, or upwards of one in eleven, and 62 blacks, nearly one eighth, died. 1,970 whites, and 139 blacks, were inoculated. Of these, only 24 whites, the proportion of about one in eighty-two, and 7 blacks, not one in twenty, died. Even this demonstration, however, did not extinguish the scrupulous opposition to inoculation, which may yet be traced, though by fast declining evidence, even to the present time.

Report of
the Select-
men in the
Evening
Post.

The annual commission for treating with the Eastern Indians was filled by the Hon. Jacob Wendell, Samuel Watts, Thomas Hubbard, and Chambers Russell, Esquires, who met the delegates of the Norridgewocks, Penobscots, and St. John's tribes, at the fort at St. Georges, on the 20th. of October, and there, after a friendly conference, ratified and confirmed the treaty of 1749, which we have particularly recited in the events of that year. But, as though the Indian interest were never to be wholly secured, the St. Francis tribe was not included, owing, as the Lieutenant-Governor insisted, to the influence of the French.

The

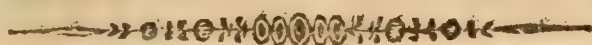
The commissioners at Paris not being in the way of effecting any thing of consequence on the subject of the partition lines between the French and English in America, Governor Shirley was recalled from that service in the month of May, 1752, and on the 7th. of August, 1753, he arrived at Boston, again to take upon himself the government of the Province. His landing was marked with great expressions of joy on the part of the people; and he was addressed by the Episcopal Clergy, the Justices of the Peace, and the Justices of the Inferior Court of Common Pleas for the county of Suffolk, the Corporation of Harvard College, the House of Representatives, and the Council. In addition to which, several wealthy proprietors of a little town built at Pulling-Point for pursuing the fisheries, requested the honour of claiming his patronage, and showing their confidence in his attention to these important interests of their country, by assuming for their settlement the name of Point Shirley.

Bollan's
Letter,
July 20,
1752.

Few persons could have been better situated to foresee the ensuing war than Governor Shirley, and he anticipated all the horrors which would attend an invasion from
the

the Indian enemy. He therefore lost no time in preparing a commission to treat with them, and to take some leading steps for bridling their country. At the head of the commissioners we find Sir William Pepperell; his associates were Jacob Wendell, Thomas Hubbard, John Winflow, Esquires, and Mr. James Bowdoin, who met the Chiefs and others of the Penobscot tribe on the 21st. of September; and after some censure for not using their utmost endeavours to effect the redemption of the captives taken at Swan-Island, again went through the ceremony of renewing and ratifying the treaty of 1749. When the commissioners arrived at Richmond to treat with the Norridgewock tribe, and touched upon the subject of their lands, these Indians expressed themselves willing that the English should settle all the ground below Richmond, but none above it. They did not appear satisfied that a deed had been executed by their ancestors, or that the English had erected a truck-house there more than one hundred years before, of which the ruins still remained. They thought the English might have intoxicated their forefathers; they doubted the value of the consideration; and, in short, hunting upon the lands was necessary to their

their existence. They could not be brought to say more than that they would inquire respecting them, and would make known the result. After promises to bring the captives from Canada, the treaty of 1749 was again renewed and ratified, and the commissioners Sept. 29. returned.



C H A P. VIII.

Comparative view of the policy, situation, and claims of the French and English in America—Hostilities commenced between them in the Western Territory—Expedition to Kennebeck—The building of forts there.

THE peace which had subsisted between the crowns of France and Great-Britain since the year 1748, was, in fact, nothing more than a truce for digesting and ripening one of the greatest plans that European nations had ever attended to, and for gathering strength to carry it effectually into execution. The rivalry of these countries was placed on a critical poise, which both apprehended would be finally cast by the preponderance of the certain, though remote power, which
must,

must, in the destiny of things, arise from America. Who should possess this country? was then one of the most important questions that could be made: And, although it might be too latent to be interesting to the body of either nation in Europe, yet it was open to the view of the real politicians of both, and from local causes, made a more general impression on the people of the American Colonies. Excluded from all the front coast of North-America, the French aimed at repairing this disadvantage by possessing the River St. Lawrence to the north, and the Mississippi to the south, and then connecting their territories through the intermediate lakes and waters. This, besides enabling them to gall the backs of the British Colonies, would have given them the country west of the Apalachian Mountains, with passages by water into the Atlantic: A country so extensive in territory, so favoured in its climate, and so accommodated with waters and soil, that we ought not to wonder at its engaging the ambition of kings, nor that, whilst they contended for such a prize, by immense exertions in populating and fortifying America, they should be prevented from reflecting, that such a country could not be
destined

destined finally to be subject to any foreign empire upon earth.

The respective powers and prospects of the two nations engaged in this controversy were such, as would rather have led to the conjecture of a mutual debility in the pursuit and a like disappointment in the result of it, than the decided conquest which actually ensued ; and which no event has been equal to counterpoising, until the still more important divulsion of the present United States from one of them, was suffered to take place.

The French military enterprize and ardour was aided by a decision natural to the character of the nation, and resulting from the despotism of their monarchy. Their religion, or rather their priests, subserved the cause of their government, with all the arts and influence of a system, too long devoted more to human than spiritual purposes. The rulers of the mother country, and all their Colonists had but one object. No encroachments upon charter privileges, no resistance to the exercise of disputed prerogative, no division of the established church, relaxed the common ardour for the glory of the monarch. The

Y savages

savages also were fraternized by an assimilation of manners, of families and of worship. When the French planted a military post, it was not merely by a garrison ; but they naturalized the place, by a domestic neighbourhood and a numerous population. This mixture with the natives gave them an ascendancy in their counsels and enterprizes. When they levied war, they drew on the savage tribes upon the frontiers of the enemy, and after exercising their usual barbarities, commonly retreated too soon for successful pursuit. The English, on the other hand, relied much on their navy, and the independent exertions of their Colonies. These having generally planted themselves without aid or encouragement from the mother country, were suffered too long to depend upon their own protection for support. Misunderstandings and complaints were constantly arising as to the relative force which England and her Colonies, and which the several Colonies, ought to furnish against the common enemy. In short, a distrust of the mother country as to the intended independence of her political offspring, and a fear on their part as to her encroachments upon their rights, together with an internal jealousy of one another, seemed
fatally

fatally to retard and enfeeble every measure taken against so united and prompt an enemy. Still, however, at home there was wealth, in the new world great comparative population, and in both, a pride of liberty with an invincible spirit, which, if not awakened until a late hour, yet was not accustomed to relinquish its pursuit until gratified with victory.

The claims of the two nations, and the measures taken by them for effecting their views, were founded on various rights and pretensions, and were conducted with much art and exertion. Those on the side of Nova-Scotia have been as minutely detailed as the nature of this little work will admit. Those on the northern and western lines of the British Colonies were raised on somewhat different grounds. The French had the advantage of a decidedly prior settlement in the country of New-France ; however, the English did not fail to counterbalance this in two ways. One was, by restricting the right of the French to their actual settlements at the time of the grant to the Plymouth Company, in 1620, of all the lands between the 40th. and 48th. degree of north latitude, which would have deprived them of all the country
below

below Montreal to the southward of the St. Lawrence, and of all the country above Montreal to the southward of the north bounds of this line. The other counter-claim was founded on treaties with the natives. Among these were five nations, so superior in arms to all others, that they might be called the Romans of the American Barbarians. They are said to have carried their conquests as far as New-England and the Utawawas River to the eastward, to the Hudson's Bay Company's territories northward, to the Illinois and Mississippi Rivers westward, and to Georgia south; destroying or adopting nations, and making them vassals and tributaries, through all this immense region, of about twelve hundred miles in length, and seven or eight hundred in breadth. Among others, the Tuscaroras, the former inhabitants of the Carolinas, fled to them for protection, in the year 1711, and they were from that time generally known to the English by the name of the Six Nations, and to the French by that of the Iroquois. With this powerful people the English formed a treaty in 1664, whereby they gave their lands, and submitted themselves to the King of England; and they confirmed his sovereignty over them by further treaties in 1684
and

and 1687; in addition to which, the English insisted that the country of this people was ceded to them by the French in the treaties of Utrecht and Aix-la-Chapelle.

Assuming this title as a good one, about twenty forts which the French had erected, besides block houses or stockade trading places, were unwarrantable encroachments. Such as those at the north side of the east entrance of Lake Ontario in 1672, at Michilimackinac in the year following; one at Niagara Fall in 1684, and another at the same streight in 1720; one between the lakes Erie and Huron in 1683; one on each side of the lake Michigan; another at the west side of the river Toronto, and three forts, with a fortified town and citadel, called St. Frederick or Crown-Point, at the lake and river of Iroquois, or Champlain Lake, and Richlieu or Sorrel River; together with many settlements between the mouth of Iroquois River and Montreal, on the side of the St. Lawrence, which, with seven villages within the disputed bounds of Massachusetts, might have contained about thirty parish churches.

Transactions
of the last
War, 1755.

It

It may be necessary to observe, that the French geographers in their turn, limited the rights of the Iroquois to a south-west line drawn from Montreal to Lake Toronto, where they also bounded them to the westward, and allowed them only the country between this line and the British settlements, claiming, and in part possessing, the residue themselves.

The claims of these crowns carried so much appearance of right on both sides, as served to furnish commissioners with ingenious and colourable arguments for negociation, and their masters with decent pretensions for delay, that was intended only to prepare for a successful appeal to the sword. At length, complaints of injuries began to be made with official ceremony, and causes of forcible resistance to be assigned. This was not difficult in such a controversy, so productive of mutual provocation and resentment among the borderers, that the only embarrassment was, how to find a pretext for overlooking wrongs, until the most convenient time for revenging them should arrive.

As the disputed territory of Acadia furnished an ample field for hostility on one side, so the country along the lakes and internal

nal rivers presented a scene of a like nature on that quarter. The French having taken several English traders on this territory, and, after confiscating their goods, sent their persons to Canada; the Indians in their alliance having murdered several English settlers on the same ground, and their forts and forces being in a constant advance, Lieutenant-Governor Dinwiddie, of Virginia, felt himself constrained to send a messenger to the commander of their forces on the Ohio, to inquire into the reasons of these injurious proceedings. It is a circumstance remarkable to every American, that the man who was appointed to bear this message, and to open, as it were, the great controversy which ensued, was the illustrious patriot, who afterwards filled the first station in the immortal revolution of his country. The answer which was given to him was such as the nature of the dispute dictated, "that it was French territory." A fort was then erected by the Virginians to check the progress of the enemy at the Forks of the Monongahela: This, on the 17th. of April, was taken by the French with a very considerable force, consisting of upwards of 600 men and 18 pieces of cannon, the garrison being permitted to retire. On the 28th. of the same month,

1754.

month, Col. Washington killed and took a small party who were approaching him under the command of Capt. Dijonville; but on the 3d. of July, being surrounded by vastly superior numbers, after a manly resistance from 11 o'clock in the forenoon to 8 in the evening, he was obliged to capitulate, on terms which did justice to his own bravery and that of his little army.

Thus were hostilities decidedly commenced on the continent; and all the Colonies with the mother country pledged, from principles of honour and safety, to pursue the fortune of the sword.

The cloud soon gathered round the frontiers of Massachusetts Bay. The Indians were called upon to hear a letter from Governor Shirley on the subject of the French being suffered to build a fort near the head of Kennebeck River, as was reported, and for the discovery of which their aid was necessary. But they could not be drawn into the outposts; they desisted from their usual trade, and put on strong appearances of hostility. The government of the Province having agreed upon building a fort at some suitable place up the river, both to secure the command

Lithgow's
Letter to
Shirley,
May 4th.
Goodwin's
Letter,
May 15.

mand of it, and to influence the Indian interest in general, six companies of men, making 800 in the whole, were raised and ordered to rendezvous at Falmouth. With 500 of these men, the Governor, accompanied by Col. Paul Mascarene as commissioner from Nova-Scotia, Major-General Winslow, who had the immediate command of the forces, and other persons of rank, embarked at Boston to hold a conference with the Indians in person. Upon his arrival at Falmouth, he found the commissioners from New-Hampshire there. The Norridgewocks had been waiting some days, but the Arseguntacooks would not come, under the pretence of two of their tribe having been killed the last year in New-Hampshire, though the more probable reason was, the revenge they had taken for this affair, by the captivating of a white man with his family, and plundering his house. The Norridgewocks at first continued in their resolution to refuse their consent to the building of a fort on the lands of their ancestors; but upon being shewn in what manner their rights had been formerly surrendered, they no longer withheld it. In a few days, thirteen agents

June 21.
June 26.

Z from

from the Penobscot tribe arrived, and ratified Governor Dummer's treaty, together with that made at Casco-Bay in 1749: And both these tribes were made sensible, by intercepted letters, of the artful and fraudulent tricks of their Roman Catholic priests, to involve them in a war with the English. Upon the invitation of the Governor, they sent five of their young men to Boston for the benefit of education.

Printed
Journal.

The Governor then proceeded to the building of the fort at Taconnet Falls, and exploring the river up to the great carrying place between the Kennebeck and the Chaudiere, about forty miles above Norridgewock. Here, however, the forces found no fort erected by the French: And after visiting the Norridgewocks, and displaying their numbers to such few other Indians as fell in their way, they returned to Taconnet, on the 23d. of August, having performed a march of sixteen days. The fort erected there was called *Halifax*, and the one at Cushenoc, *Western*. The naming of the former was attended with some ceremony, and an inscription as follows:

Boston
Gazette,
Sept. 3d.

Quod

Quod felix faustumque sit
 PROVINCIAE MASSACHUSETTENSIS;
Hunc lapidem posuit
 GULIELMUS SHIRLEY, *Gubernator,*
Sub auspiciis
Nobilissimi GEORGII MONTAGUE DUNK,
Comitis de HALIFAX,
Provinciarum,
Quotquot sunt ditionis BRITANNICÆ;
Per AMERICAM utramque,
Præfecti atq; Patroni illustrissimi,
Die 3. Septembris, A. D. 1754.

On the 9th. of September, the Governor and his company arrived at Castle William, and the next day landed with great parade and many congratulations at Boston.

CHAP.

CHAP. IX.

Meeting of Commissioners at Albany—Their plan of Union—Debates on it in the General Court—Excise Bill—Objections to it by the people—Case of Daniel Fowle and others for publishing a Libel—Indians invade Stockbridge.

THE Six Nations of Indians were justly regarded by the English of so much consequence, as to induce the commissioners for plantations to direct a general convention of delegates from all the governments to be held for treating with them and securing their friendship, particularly as they had been disgusted by neglect lately experienced from the agents of the Province of New-York. To this meeting, which was held at Albany, on the 14th. of June, 1754, Massachusetts, with five other Provinces, sent commissioners. It is remarkable that this government not only empowered the commissioners to act upon the object of the letter from the lords commissioners for trade and the plantations, at whose direction this convention was held, but likewise

likewise to enter into articles of union and confederation with the other governments, for the general defence of his Majesty's subjects and interests in North-America, as well in time of peace as of war : And the latter part of this commission was not directly expressed in any other delegation excepting that of Maryland, and the instruction in that was only to observe what should be proposed by others upon this subject.

At the convention, where about 150 men only of the Six Nations assembled, the affairs of the Indians were fully discussed, and their interests secured by large presents. The delegates stated the title of the English to their settlements in North-America, and the encroachments of the French upon them : and concluded that their further advances should be prevented ; that the Indians should be secured by a wise superintendency, by a regulation of their trade, and by building a fort for the safety of each nation ; that the free navigation of the lakes should be maintained by sufficient naval armaments ; that all purchases of lands made of the Indians, unless when assembled in their public councils, or when they might be made by the governments

ments within whose jurisdiction the lands lie, should be made void ; and that patentees of large unfettled territories should be obliged to settle them in a reasonable time,

The convention further gave an opinion, that inquiry should be made and redress afforded the Indians, relative to fraudulent conveyances of their lands ; that the bounds of those Colonies which extend to the South Sea, should be contracted and limited by the Allegany or Apalachian Mountains ; and that there should be a union of the Colonies, that so their counsels, treasure and strength might be employed, in due proportion, against the common enemy.

The commissioners of Massachusetts reported, that a doubt arose in the convention as to dividing the Union, at least into two districts, from the great extent of territory included within it ; but the probability that the designs of the enemy would require the united strength and counsels of the whole British continent, and that the affairs of the Indians would demand the direction of one undivided power, overruled an idea which, if executed, must have much enfeebled, if not finally ruined, the strength of the whole.

The

The plan of union was as follows, viz.

IT is proposed that humble application be made for an act of Parliament of Great-Britain, by virtue of which one general government may be formed in America, including all the said Colonies: [Massachusetts-Bay, New-Hampshire, Connecticut, Rhode-Island, New-York, New-Jersey, Pennsylvania, Maryland, Virginia, North-Carolina and South-Carolina] within and under which government, each Colony may retain its present constitution, except in the particulars wherein a change may be directed by the said act, as hereafter follows.

President-General and Grand Council.

That the said general government be administered by a President-General, to be appointed and supported by the crown; and a Grand Council, to be chosen by the representatives of the people of the several Colonies, met in their respective assemblies.

Election of Members.

That within months after the passing of such act, the Houses of Representatives that happen to be sitting within that time, or that shall be especially for that purpose convened,

vened, may and shall choofe members for the Grand Council in the following proportion, that is to fay :

Massachusetts-Bay,	-	-	7
New-Hampshire,	-	-	2
Connecticut,	-	-	5
Rhode-Island,	-	-	2
New-York,	-	-	4
New-Jersey,	-	-	3
Pennsylvania,	-	-	6
Maryland,	-	-	4
Virginia,	-	-	7
North-Carolina,	-	-	4
South-Carolina,	-	-	4
			48

Place of first Meeting.

Who shall meet for the first time, at the city of Philadelphia, in Pennsylvania, being called by the President-General as soon as conveniently may be after his appointment.

New Election.

That there shall be a new election of the members of the Grand Council every three years ; and on the death or resignation of any member, his place shall be supplied by a new choice, at the next sitting of the Assembly of the Colony he represented.

Proportion

Proportion of the Members after the first three years.

That after the first three years, when the proportion of money arising out of each Colony to the general treasury can be known, the number of members to be chosen for each Colony shall, from time to time, in all ensuing elections, be regulated by that proportion (yet so as that the number to be chosen by any one Province be not more than seven, nor less than two.)

Meetings of the Grand Council and Call.

That the Grand Council shall meet once in every year, and oftener, if occasion require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at, by the President-General, on any emergency; he having first obtained in writing, the consent of seven of the members to such call, and sent due and timely notice to the whole.

Continuance.

That the Grand Council have power to choose their Speaker: and shall neither be dissolved, prorogued, nor continued sitting

A a

longer

longer than six weeks at one time ; without their own consent, or the special command of the crown.

Members' Attendance.

That the members of the Grand Council shall be allowed for their services, ten shillings sterling per diem, during their session and journey to and from the place of meeting ; twenty miles to be reckoned a day's journey.

Assent of President-General and his duty.

That the assent of the President-General be requisite to all acts of the Grand Council ; and that it be his office and duty to cause them to be carried into execution.

Power of President-General and Grand-Council—Treaties of peace and war.

That the President-General, with the advice of the Grand Council, hold or direct all Indian treaties in which the general interest of the Colonies may be concerned ; and make peace or declare war with Indian nations.

Indian Trade.

That they make such laws as they judge necessary for regulating all Indian trade.

Indian Purchases.

That they make all purchases from the Indians for the crown, of lands not now within the bounds of particular Colonies, or that shall not be within their bounds, when some of them are reduced to more convenient dimensions,

New Settlements.

That they make new settlements on such purchases by granting lands in the King's name, reserving a quit-rent to the crown, for the use of the general treasury.

Laws to govern them.

That they make laws for regulating and governing such new settlements, till the crown shall think fit to form them into particular governments.

Raise soldiers, and equip vessels, &c.

That they raise and pay soldiers, build forts for the defence of any of the Colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any Colony, without the consent of the Legislature.

Power to make laws, lay duties, &c.

That for these purposes they have power
to

to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most equal and just, (considering the ability and other circumstances of the inhabitants in the several Colonies) and such as may be collected with the least inconvenience to the people ; rather discouraging luxury, than loading industry with unnecessary burdens.

General Treasurer and particular Treasurer.

That they may appoint a general Treasurer and particular Treasurer in each government, when necessary ; and from time to time may order the sums in the treasuries of each government into the general treasury, or draw on them for special payments, as they find most convenient.

Money how to issue.

Yet no money to issue but by joint orders of the President-General and Grand Council, except where sums have been appropriated to particular purposes, and the President-General has been previously empowered by an act to draw for such sums.

Accounts.

That the general accounts shall be yearly settled, and reported to the several assemblies.

Quorum.

Quorum.

That a quorum of the Grand Council, empowered to act with the President-General, do consist of twenty-five members; among whom there shall be one or more from the majority of the Colonies.

Laws to be transmitted.

That the laws made by them for the purposes aforesaid, shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council, for approbation, as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.

Death of the President-General.

That in case of the death of the President-General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue till the King's pleasure be known.

Officers how appointed.

That all military commission officers, whether for land or sea service, to act under this general constitution, shall be nominated
by

by the President-General ; but the approbation of the Grand Council is to be obtained, before they receive their commissions. And all civil officers are to be nominated by the Grand Council, and to receive the President-General's approbation before they officiate.

Vacancies how supplied.

But in case of vacancy, by death, or removal of any officer, civil or military, under this constitution, the Governor of the Province in which such vacancy happens, may appoint till the pleasure of the President-General and Grand Council can be known.

Each Colony may defend itself on emergency, &c.

That the particular military as well as civil establishments in each Colony remain in their present state, the general constitution notwithstanding, and that on sudden emergencies any Colony may defend itself, and lay the accounts of expense thence arising before the President-General and Grand Council, who may allow and order payment of the same as far as they judge such accounts reasonable.

In contemplating this instrument, one can hardly suppress an enthusiastic spirit of conjecture

jecture upon the state of America and Europe, had it taken place. Although it be short of the present well-digested and skilful system operating upon the United States, yet it evidently sprung from the same principles, and if connected with the strong government of Great-Britain, probably would have lasted so long as greatly to retard, perhaps forever to prevent, the revolution of 1776, and its extensive consequences. Blinded by fatal national prejudices, the British Colonies would yet, perhaps, have considered French, Spaniards, and other foreign nations, as their natural enemies ; and that connexion, which imparted blessings of liberty, till then unknown, to communities now by her example emancipated from their political chains, might never have been formed. The commerce of America, so diffused through new channels in Asia and the north-west coast of her own continent, might still have been restricted by the hand of monopoly : and the prospect of reformation by rational and deliberate means, in her parent country, to the equal enjoyment of civil and religious principles, which is yet to be hoped for, might never have opened.

The

The apprehensions of the British cabinet, however, seem to have been founded on a different expectation. They contemplated the plan of union as calculated too strongly to demonstrate the ability of the Colonies to defend themselves, whilst the control of the crown over the administration was too feeble to insure its eventual superiority. They preferred advancing monies to secure their dominions, which should be drawn for by the general government in America, but raised by their own authority within the Colonies. Entertaining these principles, they rejected the plan for want of sufficient powers in the throne ; whilst the provincial governments, fearing that the royal prerogative would have too prevailing an influence, united in the same decision from opposite principles : and the maturing and adopting of this important scheme in North-America, was reserved for her separate and independent authority in the year one thousand seven hundred and eighty-eight.

Belknap's
Histo. New-
Hampshire.
Am. Muscu.

In the course of debating upon it in the House of Representatives of Massachusetts, an idea prevailed of making it less general ; but the general and partial plans as reported, were both

Dec. 1754.

both rejected, and a question was put, Whether it be the mind of the House that there should be a general union of his Majesty's Colonies on this continent, except those of Nova-Scotia and Georgia ? and it was resolved by yeas and nays in the affirmative, by a majority of only three members, the House then consisting of seventy-eight. At length, the consideration of the report for the general union was voted to be suspended until the members should have an opportunity to consult their constituents respecting it, forty-eight voting in the affirmative against thirty : and in this state it appears finally to have rested.

27th. Dec.
1754.

Among the most remarkable legislative occurrences of this period in Massachusetts, we are to consider the bill for granting an excise upon wines and other spirituous liquors, and the proceedings which followed it. This measure, which originated with a division of the commercial and landed interests, was maintained with an inflexibility against opposition, which, in this free country, was by some construed into severity. The taxes becoming burthensome from the great expenses of the Province, the House of Representatives endeavoured to relieve the polls and estates, the

subjects of what is usually called the dry tax, by a duty on the consumption of spirituous liquors. In the bill for this purpose, with a view to prevent the evasion of the law by the procurement of liquors from other hands than the licensed retailers, an extraordinary provision was introduced for swearing every householder, if the collector or his deputy required it, as to the quantity consumed in his family, not purchased of some licensed person, in order that the duties might be accounted for by the consumer. A regulation pervading the private circumstances of individuals so minutely, tending so much to the increase of oaths, and subjecting all persons to the search and examination of inferior officers, thus vested with the discretionary use of power so apt to pervert even the most cautious and considerate of mankind, was attacked with great force of opposition, on all the general principles which favour the liberties of the people. It cannot but strike us in a singular manner, that at the head of the dissenters from this bill, against which one of the greatest objections was the increasing of the influence of the chair, the Governor himself should appear.

He sent a message to both Houses, in which he denounced the plan as inconsistent with the

June 17th.

the natural rights of every private family in the community ; he expressed his disappointment at the bill's being tacked by way of condition to the ordinary excise bill ; that a vote of non-concurrence having passed in Council upon the bill, a re-consideration was had at a time when four dissentient members were absent, and when the whole number of the Counsellors was less than when it was rejected. He therefore recommended the printing of the bill for the consideration of the people, and that the Assembly should take it up again at the adjournment. This proposition was complied with, and the bill being thus opened for general discussion, became the subject of censure or approbation with the towns and the individuals of the whole Province.

No one will hastily deny that legislative questions may arise, whereon the previous sense of the people is to be obtained even by a direct reference to their decision : but such a reference certainly should be made only in unavoidable cases, as the very act itself serves to condemn the measure in question. Besides, such a direliction of the duties assigned to a legislature, at best argues doubt, which may be the offspring of indolence, or of indecision,

cision, caused, perhaps, by the balance of obstinate parties ; or, what is the worst of weaknesses in any delegated body, an undue fear of responsibility. It is hazarding divisions among the people, and calling upon the discontented to attempt private, foreign and partial purposes, under a clamour against public measures. If the people are really inclined to speak under a free government, they will not wait for such an invitation ; and if they are silent, it is the best evidence of their acquiescence and approbation.

When the exceptionable clauses in the excise bill were laid before the people, there appeared many publications to influence their judgment. In these, all the real objections which lay against the bill, and many far-fetched and imaginary ones, were adduced. It was held up as unconstitutional, because it descended into the private economy of every family, which a man ought to hold the right of keeping secret, as much as he had a right to the exclusive enjoyment of his house, which was his castle ; because it obliged a man to exculpate himself by oath from an innocent act, contrary to the spirit of that invaluable maxim of law, that no man was held to con-
vict

vict himself. The bill was said to be calculated to produce perjury and bribery, and to diminish the force of oaths, from the frequency and improper manner in which they might, and probably would be, administered by inferior officers : It was opposed to the interests of the fisheries, by taxing a liquor so necessary to the men employed in them ; and when once submitted to, would be a precedent for taxing windows, soap and other articles, until nothing would be left free. Increasing the influence of the Governor, by means of the appointments which he might make under this act, was held up as a probable means of finally affecting the elections, and procuring a venal and criminal assembly, who might barter away the rights of the people to the crown ; and the influence of the officers themselves over the fears of the people, was whimsically displayed, even to the endangering of conjugal fidelity, and the sacrifice of virgin innocence. The virtues of rum were found to be almost equal to the poetic ideas of the deified nectar, and the water of the frontier settlers was discovered to be loaded with a poisonous quality, by running through marshes and fens spawning with frogs, against which *rum* was the only attainable antidote.

Even

Even a tax upon cyder and malt was proposed as preferable to the one in question, as this would fall on the old settled counties, who were much the richest and the least engaged in defending the frontiers : Nor was the inequality of the former tax, which extended only to rum purchased in small quantities, to be remedied at such an expense, especially as the advantage of the rich in purchasing a larger quantity was considered by the assessors in taxing them. Finally, the spirit of opposition to the excise in 1733 was called up to view ; a mob was deprecated in a way that affected a dread of it, and the Governor was highly applauded, for his timely interference in saving the liberties of the people from the dangers with which they were threatened ; among which, we cannot fail to remark, that of his own power was reckoned one of the greatest.

A Plea for
the Poor &
Distressed
against the
Bill for
granting
an Excise on
Wines, &c.
Some Observations
on
the Bill for
granting an
Excise, &c.
The Voice of
the People.
The Crisis.

But the publication of the most celebrity, was a pamphlet, entitled, *The Monster of Monsters* ; being a witty, sarcastic, and pointed caricature of those members of the two Houses who were materially concerned in advancing or opposing the bill, under the fiction of two assemblies of ladies, among whom the monster in question was introduced.

When

October 24,
1754.

When the General Court met, the House of Representatives resolved, that this pamphlet was a false and scandalous libel, reflecting upon the proceedings of that House in general, and on many worthy members in particular, in breach of the privileges thereof, and ordered it to be burnt by the hands of the common hangman. It was then resolved, that Daniel Fowle, the printer, should be taken into custody, who, after examination, was committed to the common gaol in Boston. Joseph Ruffel, his apprentice, Zachariah Fowle, a printer, and Royal Tyler, the supposed author, were also taken into custody. Mr. Tyler, when brought before the House, moved for counsel, which was refused; and upon his declining to reply further than that he was not obliged to accuse himself, he was ordered to remain in custody, and without bail. The next day, the House resolved that Daniel Fowle was concerned in publishing the pamphlet, and the day after, Mr. Tyler, pleading the distressed circumstances of his family, was permitted to return to it, upon his giving his word of honour to the House,

House, that he would be forth coming when by them requested.*

The proceedings against Daniel Fowle were of a nature calculated to embarrass the House ; and perhaps if such a spirit as Wilkes shewed a few years afterwards upon a similar occasion in England, had arisen, they would not have been able to save their dignity, better than the House of Commons did in that case, when they found Miller, a printer of the debates of the House, taken out of the custody of their messenger, by the Mayor and Alderman of London, and the messenger himself ordered to be committed in default of bail for a false arrest.

Fowle denied their right to commit for his supposed offence, unless in the case of their own members : and in addition to this, the Speaker's warrant directed the Keeper of the gaol to detain him there *until the further order of the House of Representatives*, omitting the usual clause, *or until he be otherwise discharged by order of law*.

The

* It cannot, perhaps, at this day, be determined how far Mr. Tyler was really concerned in this pamphlet ; most probably, however, he only countenanced the reading and publishing of it. Mr. Benjamin Brandon is supposed by contemporaries to have written it.

The case became a subject of very general expectation ; and, perhaps, from an apprehension that the common law was the most suitable authority to determine it, and from some defect in the form of the warrant, Fowle on the 26th. was relieved from the severity of his confinement, and an opportunity was given him to go at large ; but this he refused, saying with St. Paul, that inasmuch as they had thrust him into prison uncondemned (by the law) they might come themselves and take him out. However, no judicial process was entered upon for his enlargement, and on the 29th. his wife having been thrown into fits to the endangering of her life, he stated a request to the Speaker that he might be dismissed on this account, and that he should *be ready to wait upon him whenever the Speaker might have occasion for him.* He was then brought before the House, reprimanded for publishing the libel, and ordered to be discharged from gaol upon his paying costs.

Total
eclipse of
Liberty.

Fowle made a *professional* use of his sufferings, by issuing a pamphlet, in which he stated his five days' imprisonment, forty-eight hours of which he lay in the common stone gaol, in a very glaring manner : and it

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would

would have been fortunate for him had he been contented to revenge his cause in this way, which proved more profitable to him, than controverting great constitutional questions in a court of law, against the influence of a ruling party in the House of Representatives. But not satisfied with this, he commenced an action against the Speaker and Messenger of the House of Representatives and the Gaoler, as Mr. Tyler did against the Messenger alone. The new House, by a majority of two thirds of the members, voted that this power of committing had often and for a long time been exercised by many former Houses ; that the House of Representatives of the Province were the indisputable judges of any breach of their privileges, and had an authority to arrest, commit and examine for such breaches, not only their own members, but others. That it was the indispensable duty of the Speaker of the said House to issue his warrants, according to the orders given, and of the Messenger and Keeper of the Gaol to execute them ; and that these suits were an attempt against the rights of the people of the government, in the authority of that House to commit for a contempt to their representative body, to frustrate
all

all effect of this authority, and to introduce disorder and confusion ; and that therefore the officers who issued and executed the warrants should be defended in the action.

The division which existed in the legislature upon this subject was strikingly displayed, and assumed a very serious aspect, when the House proceeded to make an allowance to the committee appointed to defend the suits. The Representatives, determined to support their privileges, in a very full House voted the liberal sum of £.1000 sterling for this purpose, to be drawn out as there should be occasion. This vote the Council partially non-concurred, and returned with alterations, particularly in reducing the sum. The House resented this check, and voted that the grant of any money must not only originate in the House in consequence of their representing the people, but that such grant could not be any way subject to the alteration of any other branch of the government. The Council replied that they had been in the constant practice of lessening grants made by the House ever since the charter, but wished to avoid a dispute on this point at a juncture when affairs of such vast importance were depending.

This

This practice the House in their turn denied, and a very earnest dispute appeared to be rising from this trifling affair, upon a constitutional question ; till at last the Council remaining firm in their non-concurrence, the difficulty was settled by a vote, that the officers should be defended at the charge of the Province throughout the course of the law ; that the committee appointed for this purpose should be paid out of the public treasury, from time to time, such sums *as should be sufficient to enable them properly to defend the actions in the Province* ; and in case of an appeal to his Majesty in Council, that the Agent of the Province should defend them in England at the public charge.

Sup. Court
Records
Feb. Term
1757.

The event of the process was, that the Superior Court of Judicature finally gave judgment in favour of the defendants, considering their plea in bar as good, and that Fowle should pay cost of court.

Relapse and
an Answer
in the Bos-
ton Gaz-
ette, Dec.
31, 1754.
Journal of
the House.

The returns of the towns represented their opinions upon the excise bill to be much divided ; and the House not viewing them in the light of conclusive instructions, voted that they should not be considered. The capital,

capital, and the respectable trading town of Gloucester were among the opponents of the bill ; notwithstanding which it was enacted, and approved by the Governor, with some small amendments, which gave rise to the *Cub New Licked*, and other satirical publications. In some of these, His Excellency, in his turn, received the censure of the advocates of liberty, founded on his versatility of opinion, which, as the general principles of the bill remained the same as at the last session, was uncharitably attributed to the anticipation of a grant made to him very soon after the enacting of it, for services in taking possession of Louisbourg, and in the late Kennebeck expedition. But such was the heat of parties at this day, that nothing more ought to be concluded from this suggestion, than that the grant was ill-timed.

The Re-
lapse.
Freedom
first of
Blessings,
Eclipse.

Notwithstanding all the predictions so dismally detailed against the excise act, the satire of witty pens, with some few marks of popular stigma on the farmers of this branch of the revenue, seem to have been all the formidable consequences of it : although the Governor was so fearful of its inefficiency from the odium annexed to it, that he proposed

posed a loan for defraying the expenses of the government the current year. The town of Boston also voted to make application in England in order to prevent the acts obtaining the royal assent, and actually chose Christopher Kilby, Esq. their agent for that purpose.

The Governor had scarcely returned from his expedition on the River Kennebeck, when information was received of an attack upon the opposite quarter by a body of Indians, supposed to be about six hundred in number. They invaded Hoofuck, pillaged and burnt the buildings, killed the cattle, and destroyed a very large quantity of grain. At Stockbridge, two of them attacked the house of one Chamberlain, in which they met with a manly resistance from a person named Owen, who happened to be there; but his conflict only served to enable Chamberlain and his wife to escape; he himself at length falling under his wounds, and dying very soon. The Indians scalped him, and one child, carrying away another with them. This also soon suffered the same death, upon an unfortunate discovery of a party being in pursuit of the savages.

Upon

Upon investigation, the enemy was found to have consisted of the Scatecook tribe, who had instigated the Orondocks and others to the invasion. Some of their allies had descended from inhabitants of Connecticut River, who were driven away in Philip's war. The whole design had been made known to the Governor of Canada, who probably thought it too seasonable for the future plans of the French, not to afford it his encouragement.

Col. John
Worthing-
ton's Letter,
Sept. 8th.

The English settlers appeared after this attack to have been discontented with the conduct of the inhabitants of Albany, and to entertain suspicions of the Stockbridge tribe of Indians. The one for continuing their trade and connexions with the Canadian savages, after hostilities were commenced ; the other for discovering inaction and reluctance as to military duty beyond what had appeared in former wars. The cause of the latter was patronized and explained by the leading men in Stockbridge, who ascribed their coolness to mismanagement on the part of the white people ; the soldiers having charged this tribe with the late murders, and threatened to take their lives, in so serious a manner,

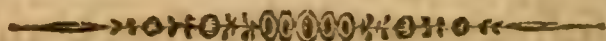
Letter of
Timothy
Woodbridge
to Col. Wor-
thington,
Oct. 9th.

Letters of
Col. Dwight
& T. Wood-
bridge.

ner, as to prevent their going into the woods, from an apprehension that their danger arose more from the English than the Indian enemy.

Dec. 19,
1754.

Upon the representation of the Governor, stating the defection of these Indians, the General Court voted to receive them as soldiers in the service of the Province, and to give them pay and subsistence for six months, and invited them either to come to the Court to relate their grievances, or to lay them before a committee who should be appointed at their request.



CHAP. X.

*The taking of the French Forts in Nova-Scotia,
and removal of the Neutrals.*

General
Winflow's
M.S. Jour-
nal.

THE year 1755 commenced with preparations for dislodging the French from their encroachments in Nova-Scotia. Notwithstanding this expedition was conducted in a territory now no longer a part of Massachusetts,

setts, yet the inhabitants of that Province were so materially concerned in it, that an account of it cannot be considered as foreign to the proper subject of this work ; and the peculiar fortune of the French settlers is so interesting, that an apology would not be wanting, even if it were a digression.

This expedition was undertaken and conducted at the expence of the crown. The troops, however, were raised in Massachusetts Bay, and acted as a distinct body, under their own officers, with a promise of the same pay, and being treated in every respect as others in the same service with them. The command of the expedition was given to Lieutenant-Colonel Robert Monckton ; but the Massachusetts forces being formed into a regiment of two battalions, of which Governor Shirley was the Colonel, the command of *them* was conferred on Lieutenant-Colonel John Winflow, of Marshfield, a gentleman of one of the most ancient and honourable families in the Province, who held a commission of Major-General in the militia, and whose influence was so great as to effect the raising of 2,000 men in about two months, to serve for the term of one year, if so long required.

D d

They

They embarked at Boston on the 20th. of May, and arrived at the Bason of Annapolis Royal on the 25th. whence they sailed, on the first of June, in a fleet of forty-one vessels to Chignecto, and anchored about five miles from Fort Lawrence. On the 4th. being joined by about three hundred regulars, with a small train of artillery, they marched for the French fort Beau-sejour. When they came to the river Muffaguash, on the west side of which the French claimed, they found a block-house, with some small cannon and swivels, and a breast-work, with troops judiciously posted to oppose their progress. After a conflict of about an hour, the passage was effected with the loss of only one man, who was killed, and thirteen wounded, the French burning their block-house and village. The forces then encamped at the distance of about two miles from the fort; and Lieut. Col. Winslow, with 300 men, having dislodged a party of the enemy from an eminence where it was designed to fortify, advanced within 600 yards of it. The entrenchments were opened on the 12th. and notwithstanding the fire of the fort, were advanced 110 yards, gaining 85 in a straight direction, in one night. On the 16th. the enemy surrendered, the

the garrison being allowed to march out with the honours of war, and to be transported with their effects to Louisbourg, at the expense of the King of Great-Britain, on condition of not bearing arms for six months. It was also stipulated, that the inhabitants should be left in the same situation as they were in when the army arrived, and not be punished for what they had done afterwards. This capitulation, and the various skirmishes which preceded it, cost the New-England troops but three men killed, none being mortally wounded.

The fort at Gaspareau of necessity surrendered after that of Beau-sejour, and was allowed the same terms. The name of the latter was changed to Cumberland.

Three English twenty-gun ships, with a snow, appearing in St. John's River, under the command of Capt. Rous, the French set fire to their fort and out-houses there, and relinquished the country. One hundred and fifty of the tribe of Indians received the officers of the fleet with tokens of friendship, which terminated military operations in that quarter.

These

These successes at so early a stage of the war, diffused a general animation through the Colonies, and were joyfully received as omens of future good fortune.

The French force in Nova-Scotia being thus subdued, it only remained to determine the measures which ought to be taken with respect to the inhabitants, who were about seven thousand in number, and whose character and situation were so peculiar, as to distinguish them from almost every other community, that has suffered under the scourge of war.

The allegations against them as a people, and which were undoubtedly just against many of them as individuals, were these : That being permitted to hold their lands, after the treaty of Utrecht, by which the Province was ceded to Great-Britain, upon condition of their taking the oath of allegiance, they refused to comply, excepting with this qualification, that they should not be called upon to bear arms in the defence of the Province ; which qualification, though acceded to by Gen. Phillips, the British commander,

mander, was disapproved of by the King : That from this circumstance they affected the character of neutrals, yet furnished the French and Indians with intelligence, quarters, provisions and assistance in annoying the government of the Province, and three hundred of them were actually found in arms at the taking of fort Beau-sejour : That notwithstanding an offer was made, to such of them as had not been openly in arms, to be allowed to continue in possession of their land, if they would take the oath of allegiance without any qualification, they unanimously refused it.

The character of this people was mild, frugal, industrious and pious ; and a scrupulous sense of the indissoluble nature of their ancient obligation to their King, was a great cause of their misfortunes. To this we may add an unalterable attachment to their religion, a distrust of the right of the English to the territory which they inhabited, and the indemnity promised them at the surrender of fort Beau-sejour. Notwithstanding which, there could be no apology for such of them as, after they had obtained the advantages of neutrality, violated the conditions on which they were granted, and without which, from
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the nature of the case, there was no just foundation to expect they would be continued.

Such being the circumstances of the French Neutrals, as they were called, the Lieutenant-Governor of Nova-Scotia and his Council, aided by the admirals Boscawen and Mostyn, assembled to consider of the necessary measures to be adopted towards them. If the whole were to suffer for the conduct of a part, the natural punishment would have been to have forced them from their country, and left them to go wherever they pleased ; but from the situation of the Province of Canada, it was obvious to see that this would have been to recruit it with soldiers, who would immediately have returned in arms upon the British frontiers. It was therefore determined to remove and disperse this whole people among the British Colonies, where they could not unite in any offensive measures, and where they might be naturalized to the government and country.

The execution of this unusual and general sentence was allotted chiefly to the New-England forces, the commander of which, from the humanity and firmness of his character,

ter, was the best qualified to carry it into effect. It was without doubt, as he himself declared, disagreeable to his natural make and temper; and his principles of implicit obedience as a soldier was put to a severe test by this ungrateful kind of duty, which required an ungenerous cunning, and subtle kind of severity, calculated to render the Acadians subservient to the English interests to the latest hour. They were kept entirely ignorant of their destiny until the moment of their captivity, and were overawed or allured to labour at the gathering in of their harvest, which was secretly allotted to the use of their conquerors. The orders from Lieutenant-Governor Lawrence to Capt. Murray, who was first on the station, with a plagiarism of the language, without the spirit of scripture, directed that if these people behaved amiss, they should be punished at his discretion; and if any attempts were made to destroy or molest the troops, he should take an eye for an eye, and a tooth for a tooth, and in short, life for life, from the nearest neighbour where the mischief should be performed.

The convenient moment having arrived, the inhabitants were called into the different ports to hear the King's orders, as they were termed.

termed. At Grand Pré, where Col. Winflow had the immediate command, four hundred and eighteen of their best men assembled. These being shut into the church, (for that too had become an arsenal) he placed himself with his officers in the centre, and addressed them thus :

GENTLEMEN,

I HAVE received from his Excellency Governor Lawrence, the King's commission, which I have in my hand ; and by his orders you are convened together, to manifest to you his Majesty's final resolution to the French inhabitants of this his Province of Nova-Scotia ; who for almost half a century have had more indulgence granted them, than any of his subjects in any part of his dominions. What use you have made of it, you yourselves best know.

The part of duty I am now upon, though necessary, is very disagreeable to my natural make and temper, as I know it must be grievous to you who are of the same species.

But it is not my business to animadvert, but to obey such orders as I receive, and therefore, without hesitation, shall deliver you his Majesty's orders and instructions, namely,

“ That

“ That your lands and tenements, cattle of all kinds, and live stock of all sorts, are forfeited to the crown, with all other your effects, saving your money and household goods, and you yourselves to be removed from this his Province.”

Thus it is peremptorily his Majesty's orders, that the whole French inhabitants of these districts be removed, and I am, through his Majesty's goodness, directed to allow you liberty to carry off your money and household goods, as many as you can without discommoding the vessels you go in. I shall do every thing in my power, that all those goods be secured to you, and that you are not molested in carrying them off: also that whole families shall go in the same vessel; and make this remove, which I am sensible must give you a great deal of trouble, as easy as his Majesty's service will admit, and hope, that in whatever part of the world you may fall, you may be faithful subjects, a peaceable and happy people.

I must also inform you, that it is his Majesty's pleasure that you remain in security,

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under

under the inspection and direction of the troops that I have the honour to command.

And he then declared them the King's prisoners.

The whole number of persons collected at Grand Pré, finally amounted to 483 men and 337 women, heads of families, and their sons and daughters to 527 of the former, and 576 of the latter, making in the whole 1923 souls. Their stock was upwards of 5,000 horned cattle, 493 horses, and 12,887 sheep and swine.

As some of these wretched inhabitants escaped to the woods, all possible measures were adopted to force them back to captivity. The country was laid waste to prevent their subsistence. In the district of Minas alone, there were destroyed 255 houses, 276 barns, 155 out-houses, 11 mills and 1 church; and the friends of those who refused to come in, were threatened as the victims of their obstinacy. In short, so operative were the terrors that surrounded them, that of twenty-four young men who deserted from a transport, twenty-two were glad to return of themselves, the

the others being shot by sentinels, and one of their friends who was supposed to have been accessary to their escape, having been carried on shore, to behold the destruction of his house and effects, which were burned in his presence, as a punishment for his temerity, and perfidious aid to his comrades. Being embarked by force of the musquetry, they were dispersed, according to the original plan, among the several British Colonies. One thousand arrived in Massachusetts Bay and became a public expence, owing in a great degree to an unchangeable antipathy to their situation, which prompted them to reject the usual beneficiary but humiliating establishment of paupers for their children.

The campaign ended with no small disgust on the part of the New-England commander and his troops, on account of distinctions in service made between the regulars and them, to their prejudice ; and enlistments being made out of his corps to fill up the standing regiments, which prevented his fulfilling his promise to bring his men back to their towns at the expiration of a year, a promise much relied upon, and necessary to be performed for future exertions.

CHAP.

CHAP. XI.

Plan of military operations for the year 1755—Supply of the treasury—Law prohibiting correspondence with the French settlements—Answer to the Governor's message upon the subject of furnishing the regular troops with provisions—Causes operating to weaken the force of the British Colonies—Shirley departs for Oswego—War declared against the Eastern Indians—The Penobscots attacked.

THE war in America being now no longer left to colonial efforts alone, the plan of operations consisted of three parts. The first was an attack upon Fort Du Quesne, conducted by troops from England under Gen. Braddock ; the second was an attempt upon the fort at Niagara, which was carried on by American regulars and Indians ; and the third was an expedition against Crown-Point, which was supported by militia from the northern Colonies, enlisted merely for that service. The last of these enterprizes was proposed to the Assembly of Massachusetts Bay by the Governor, who thought this a favourable opportunity to establish a post opening
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to the British Colonies a channel through which they might pour their force into the heart of Canada. He therefore recommended to the General Court to erect a fort on a rocky eminence on the lake, not far from the French fort Frederick, at Crown-Point ; and the better to divide the attention of the enemy, he projected a scheme for advancing a force up the river Chaudiere. The General Court received this proposal from the Governor with readiness, and sent messengers to the other Colonies, to induce them to aid in the execution of it.

The whole number of men assigned for the expedition against Crown-Point was 3,700, of which Massachusetts voted to raise 1,500 ; besides 500 by way of reinforcement, if judged necessary by the commander in chief, with advice of Council ; and to these, 300 more were added after the disaster of Gen. Braddock. The General Court also voted £.600 to be applied towards engaging the Indians of the Six Nations in the enterprize, and supporting their families. In short, this became a favourite enterprize, both with the General Court and the people of Massachusetts Bay, not only because it originated with them, but
because

because it was directed against a quarter whence (considering the French in Nova-Scotia were subdued and dispersed) they had the most to fear.

To prepare for supporting these military operations, a loan was granted to supply the treasury with £.50,000; of which £.17,350 were appropriated for the Crown-Point expedition, £.12,500 for forts and garrisons, £.9,500 for the Commissary's department, £.7,000 for premiums, £.1,500 for services unprovided for by any establishment, £.2,000 for the pay of Counsellors and Representatives, and £.150 for contingencies. £.1,300 were also granted to the Governor.

The security for the re-payment of the loan was a tax of £.36,000, to be assessed in the year 1756, and £.14,000 in the year following: and, as an additional fund, the impost duty for the first mentioned year, and the unappropriated excise duties on spirits, &c. for the current year, together with the second year's proceeds of the act for granting to his Majesty several duties upon vellum, &c. were pledged to the creditors of the government, who might loan the monies.

Louisbourg,

Louisbourg, the military enemy, but the commercial friend of New-England, receiving its supplies from the northern Colonies, a law was made, forbidding, under severe penalties, all correspondence with any inhabitant of that or any other French settlement in North-America for the space of four months : and a further act passed prohibiting the exportation of provisions, until bonds should be given for re-landing them in the Province, or in some other of the British Colonies, to continue from the fourteenth day of June to the twelfth of September. But these laws proving ineffectual, another was soon after made, absolutely prohibiting the exportation of military stores and provisions, excepting for ships' use and the purposes of the government, until the 24th. day of July, and such further time as the Governor and Council might think proper, not exceeding the 24th. day of September following. Notwithstanding all these laws, a constant attention was necessarily kept up by the Legislature, by interfering directly in many suspected cases, and enforcing the execution of their own acts. Such was the rivalry among many traders, between the love of commerce and the love of their country.

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The ministerial plan of the war in America, required that the Colonies should contribute towards the charge of subsisting the British forces, as well as towards raising and subsisting the American regular troops. The circular letter upon this subject was laid before the Assembly of Massachusetts Bay, and a compliance with it strongly urged upon them by the Governor. Their answer to his message, gives a particular and striking view of the exertion under which the Province was at this time struggling. They state that the Kennebeck expedition was scarcely over when they undertook that to Crown-Point, whilst the enemy was making inroads upon the frontiers : that since the peace of Aix-la-Chapelle, the Province had been at more expence for preventing and removing the French encroachments, than all his Majesty's Colonies besides : that it was under engagements for paying and subsisting 2,400 men, occasioned by the situation and designs of the French ; and about 3,000 more were employed in the expedition to Nova-Scotia, and in Shirley's and Pepperell's regiments : that the Province did not amount to one eighth part of his Majesty's interest upon the continent, either in numbers of people or property ;
and

and that if all the other Colonies had raised a force in proportion to this, their troops would have greatly exceeded the whole force at this time employed, his Majesty's troops and the American regular troops included, which would have been sufficient to check the advances of the Canadians, whilst unsupported by troops transported from France; but whilst she advanced her strength and treasure to gain the dominion of this continent, they hoped too great dependence would not be placed on his Majesty's subjects in America for their own defence; and impelling them into additional enterprizes, might disable them in executing what they had actually undertaken.

To the men on military duty as above stated, might be added 800, afterwards voted as a reinforcement to the Crown-Point expedition, and various volunteer companies, who marched on scalping parties in pursuit of the Indians, whose services were occasional, and their numbers not easy to be computed.

The whole of British America associated with the mother country, was now engaged in a war against the French, under the name
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of removing their encroachments. As the events of the campaign did not equal the hopes of the English, nor indeed correspond with the apparent ability of the armies in motion, it may not be amiss to observe here some of the causes which existed to retard, derange and enfeeble the force which had been entrusted to the military commanders. In doing this, we shall select instances to elucidate the mode of carrying on war by a confederacy united on general principles, but checked and embarrassed by a variety of internal discordancies.

The articles of union not having been adopted, there was no compulsory nor effectual power to act as a supreme or common head of the Colonies, nor to draw forth their resources. The requisitions upon them could therefore be made only as proposals or recommendations, the compliance with which was optional, and if determined upon at all, slow and unequal. Thus we have just seen the Colony of Massachusetts Bay, for good reasons, perhaps, refuse to furnish subsistence for the foreign troops; and a singular instance occurred of an expedient to supply the want of money in forwarding the operations
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of the army. Pennsylvania, too much interested to stand neuter in the war, and of too pacific principles to furnish troops, voted to raise £.10,000, to be expended in provisions for the use of such forces as might be raised by the other Colonies. These were apportioned accordingly. There being no common treasury to furnish money for the train, nor to pay for the transportation of the artillery, Gen. Shirley and Lieutenant-Governor Delancey undertook to borrow the necessary sums for that purpose, on the credit of Massachusetts and New-York; and in order to secure the reimbursement of this money, the former was reduced to the necessity of directing the Commissary to retain in his hands a sufficient quantity of those provisions, until the deficient Colonies should redeem them: thus making a loan without authority from the borrowers, pledging the property of the debtors for the re-payment without their consent, and (if the measure were not ratified, and the public faith otherwise maintained than by selling the provisions) starving the army to get it in motion. The expedient no doubt was necessary, in such an immature confederacy, and its operation on New-Hampshire serves to show still further, the confusion and uncertainty

certainty of the system on which the war was conducted. That Province objected to this measure, as unjust on general principles, pleading the excess of its services in raising and supplying men beyond the established rule, which was founded on the proportions of rateable polls in the several Colonies. These at this time seem not to have been accurately numbered in New-Hampshire, as Shirley, who became himself an advocate for the Province in this instance, says they did not then exceed five thousand, perhaps not more than four; so that these important objects seem to have been left to the conscience of parties interested, and to the operation of indefinite principles.

Although the inhabitants were the best adapted to the irregular mode of fighting in this country, yet when converted into soldiers, great inconveniencies grew out of their situation and character. Their rights precluded all compulsion by the crown to act beyond certain distances of place, the periods of their service could be but short, and they were subject to the interference of their respective governments as to the time of marching, the objects of their destination, and their supplies. These

These observations, however, apply to them only as militia ; and in this service an American General, with his army, seemed to feel the checks of feudal restrictions, not indeed grounded on the vassalage, but the freedom of individuals. The control of the particular governments over their respective troops had an injurious effect, and was the cause of serious altercation between the Colonies of Massachusetts and New-Hampshire, in the Crown-Point expedition. The forces of the latter, consisting of a regiment of five hundred men under the command of Col. Joseph Blanchard, instead of immediately joining the army, were employed, by order of their Governor, in building a fort at Cohos, and other futile projects, foreign to the general service for which they were raised. A rumour soon arose, that they had returned, upon which a severe letter was written by the Council of Massachusetts Bay, who availed themselves of an occasional absence of the Lieutenant-Governor from Boston, to come forward as the Executive, in which they remonstrated with vehemence, and in very plain terms, against the scheme of New-Hampshire government in preventing their forces, which constituted about one eighth of the army destined against Crown-Point,

Crown-Point, from joining the rest, until batteries and intrenchments should be raised, and so the greatest danger be over; that her separate schemes and measures from all the other governments which had been acting in concert, had always been matter of uneasiness to them; and that had New-Hampshire refused to join, they would either have raised a greater force, or laid aside the design as too heavy for them, &c. Although this letter might have been dictated suddenly (and under the apprehensions of a disastrous event, and the future conduct of the New-Hampshire troops shewed that the danger of raising intrenchments and batteries could not be a motive of delay with them) yet there were grounds for serious remonstrance, Governor Wentworth himself acknowledging, in a letter to Lieutenant-Governor Phips, that the troops ought to have marched sooner, and that the present time would not admit of an inquiry why they did not, and the whole business shows the want of a general superintending power over the Colonies.

Chauncey's
Letter on
the Ohio
Defeat.

The distinction among the troops, so degrading to the provincial militia, obviously tended to check that combination which is
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the first cause of strength among bodies of men. By an act of Parliament, the general or field officers of those troops had no rank with the general and field officers who served by commission from the King; and a captain or other inferior officer of the British forces, in all duties took post of the provincial officers of the like rank, though their commissions were of elder date: and what must have operated most unfavourably in this respect was, that the appointments to offices among the regular troops were extended to Americans so grudgingly, as to make it evident that they were no further rewarded by commissions than the enlisting of men made it absolutely necessary. This impolicy must have alienated the feelings of many deserving characters, and lost their influence to the crown. The proceedings at the passing of the mutiny act the last year, are explanatory of this subject, as well as the general views of the ministry. This law contained a clause, that all officers and soldiers of any troops, being mustered and in pay, raised in any of the British Provinces in America by authority of the respective governments thereof, should at all times and in all places, when they should happen to join

Bollan's
Letter,
March 5,
1755.

join his Majesty's British forces, be liable to martial law and discipline as these forces were, and be subject to the same trial, penalties and punishments. Mr. Bollan, by a petition to Parliament, stated that his Majesty's American subjects were generally freeholders, and persons of some property or business, and enlisted not for a livelihood, but with intent to return to their farms or trades, as soon as the particular services for which they might enlist should terminate; that the officers were persons in similar though better circumstances, and that all of them being chiefly influenced to take up arms by a regard to the honour of the King, the defence of their country, and the preservation of their religion and liberties, had but little preparatory exercise for war, and were therefore unsuitable subjects for the operation of a numerous body of strict rules, adapted to the government of his Majesty's standing forces; that by the charter the Governor could not oblige them to march out of the limits of the Province without their own consent, or that of their General Assembly, nor grant commissions to exercise the law martial upon any of them, without the consent of the Council; and lastly, that the
clause

clause objected to would render their time of service indefinite, notwithstanding their enlistment should be for a limited term.

However, the clause passed, and the most material consequence of the opposition was a discovery of the general intention of the men in power as to the measures proposed for the government of the country. The agent was informed that the memorial, when received, would not be entered at large on the minutes of the House, as this would be speaking out to the people of America, and he had good evidence to believe that the plan was to govern this country like Ireland, by keeping up a body of standing forces with a military chest, and abridging the legislative powers, by some measure similar to the famous Poyning's law. So odious did the mutiny act become to the people of Massachusetts, that the Governor, in the year 1757, found it expedient to give public assurances, that the militia then called to march to the western frontiers should not be considered as subject to its operation, but as a distinct body acting in aid of the regular troops.

Without particularizing further causes of embarrassment and counteraction, we may

observe in general, that they must naturally and insensibly have resulted from a combination of interfering interests and dissimilar organizations of government, in which contention had the chance of eleven separate forms of legislatures to excite the branches of administration against each other ; from a divided executive, under which exertion was too seldom called out with alacrity, except in the point at which danger was actually present, and mistaken economy too often delayed opposing at a distance what doubled the expense of contending against it at home ; from the temptations of selfish motives arising out of the lands and trade of the Indians ; from local considerations of being more or less sheltered against the enemy by neighbouring Colonies ; from singularities in religion, and from differences growing out of the mixture of more numerous and variant habits, than concentrated in any other people of the same age and increase : To all which unpropitious causes, arising from the distinct nature of the several governments and the relative independence of the parties allied in the war, we may add a baneful one resulting from the jealousy and interested views of individual leaders. They formed a party under the patronage

ronage or influence of the Lieutenant-Governor of New-York, which frowned upon Shirley's efforts. They fraternized his second in command, Gen. Johnson, who studiously preferred his own expedition to that against Niagara, from which he drew off the Indians ; they retarded his projects by their management, and at length he found his government wrested from his hands for one of their favourites.

One of the first measures which Gen. Braddock directed upon his arrival in the country, was a convention of the several Governors to settle the plan of military operations. This was held at Virginia, on the 14th. of April. Gen. Shirley attended, and returned on the 13th. of May, to take command of the forces destined for Oswego, thence to proceed against Niagara. His own regiment and Sir William Pepperell's were to constitute this division. He nominated to the command of the troops marching against Crown-Point Major-General William Johnson, then one of the Council of New-York, who received his commission from the Governors of the Provinces, that supplied the men for this service. At his departure, Governor Shirley
received

received an honourable address from the Council and House of Representatives, expressing their concern at his leaving the Province at so critical a conjuncture, when there was news of a French fleet in this part of America ; and frequent advices arrived of the invasion of the frontiers by the savages : acknowledging the experience they had had of his prudent conduct in the last war ; and regretting the supposed necessity of his appearance at the head of the army.

Having been retarded from various causes existing in so complicated a business, he left the Province on the 28th. of June, and after being detained at New-York and Albany in forwarding his men and their supplies, arrived at Oswego on the 21st. of August following.

Whilst the great expeditions were advancing, many persons were captured, and some murdered by the Indians on the frontiers. This, together with a conviction that a rupture with most of their tribes was an unavoidable consequence of hostilities with France, induced the General Court to request the Governor to declare war against the Arrasaguntacook Indians, and all the other tribes east

east of Piscataqua River, excepting the Penobscots; which was accordingly done, and the usual premiums for conducting this peculiarly distressing kind of warfare were promised to the people. Companies of volunteers, consisting of not less than thirty men, who were out thirty days or more, unless compelled to return by some special cause, were entitled to receive £.200 for every Indian scalp, and £.250 for a captive. To individuals who performed the same service, £.100 were promised for a scalp, and £.110 for a captive. The Penobscots were invited to join in arms against the others, in which case support was offered to their invalids, their women and children. Nine of their leaders being called into the fort at St. George's to hear the Governor's letter upon this subject, the inhabitants and garrison rose in arms, and would not consent to their going out until they had given satisfaction with respect to it. On this, they appeared to comply with the proposal, and wrote to know when they must go against the Indians of Canada, who, they said, had struck them as well as the English; and sent three of their brethren to Boston, in order to evidence their

Capt. Bradbury's Letter, June 27.

Letter of the Penobscots, June 27.

their sincerity. But whilst they manifested such a spirit of obedience, a very melancholy accident befel this unfortunate little tribe. A party under Capt. James Cargill fell in with a number of their people as he was scouting ; and, without taking much trouble to ascertain whether they were friends or enemies, or more probably, according to the opinion of Lieutenant-Governor Phips, knowing them to be Penobscots, attacked their company, killed twelve, and obliged the remainder to save themselves by flight. This shameful invasion of a solitary Indian ally, when their aid was demanded against their neighbours, greatly embarrassed the government. Cargill was apprehended for trial ; a letter of condolence was sent to the suffering party ; their friends were restored to them from Boston ; and the tribe was invited to come under a safe conduct, and prosecute the offenders, against whom the unrestrained operation of justice was faithfully promised. Still, however, these Indians were conjured to join their young men in the war, and advised, for preventing mistakes, to keep themselves east of St. George's. Nor did their misfortune operate much in the course of the year to gain the pity or affections of the English, whilst

whilst other tribes were attacking the inhabitants under circumstances which rendered it impossible to exculpate them from a share in the guilt, and very difficult to discriminate them in the operation of inflicting the punishment for it. A committee of both Houses on their letter reported, that the commander in chief should be desired to proclaim war against them. The Council rejected the report, and the House unanimously accepted it, and soon afterwards sent a message to him, that having taken into their serious consideration the danger and mischief which the people in the Province, especially in the eastern parts, were continually exposed to from the situation of that tribe of Indians, who had appeared in open hostility against them, or encouraged and abetted their other enemies in annoying them; they earnestly requested him immediately to issue a proclamation to declare war against the tribe. The Lieutenant-Governor, however, replied, that it being one of his Majesty's instructions to him, not to declare war against the Indians, without the advice of the Council, he immediately laid before them the message of the House upon that subject; and their judgment not being in favour of the motion made to him, it was not

Sept. 30th.

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in his power to comply with it : Notwithstanding which, a few days afterwards the House repeated their request ; and even voted the usual premiums for scalps and prisoners, if war should be declared.



CHAP. XII.

Braddock's defeat—Dieskau's unsuccessful attack upon the Provincials under General Johnson—General Court address the King and send Commissioners to Albany—The army sent against Crown-Point discharged—The attack upon Niagara frustrated—Observation on the military operations of the year—Earthquake.

THE result of the great military attempt under Gen. Braddock, with upwards of two thousand men, against Fort Du Quesne, which was garrisoned with only two hundred, is still generally and deeply impressed upon the public memory. He marched from Virginia across the Alleghany Mountains, and after crossing the Monongahela River, and advancing to within about seven miles of his object,

object, he was ambushed on the 9th. of July by about four hundred French and savages, owing to his not having sufficiently attended to the use of his own rangers and Indians. About six hundred of his officers and men were either killed or disabled, and he himself was mortally wounded. The remains of his army retreated back to Fort Cumberland under the command of Col. Dunbar, leaving a dreadful spectacle of carnage on the field, which is still known by the name of their devoted leader. This defeat struck a panic throughout the British Colonies ; the effect wrought by the success in Nova-Scotia was wholly effaced ; and although the disgrace fell upon British troops, yet this lessened not the disaster in the minds of a candid and suffering people. Some hopes indeed were drawn from it, that the unresisting inhabitants of Pennsylvania, whom no considerations could as yet bring into an active part in the war, would, when exposed by the destruction of the force which protected them from the massacres of the Indians, be roused into a state of defence : and experience, it was foretold, would cause the irregular mode of fighting to be duly respected, since it appeared that the methodical science of the conquered General,

was of no more use to him in such a situation, than the knowledge of a game of chess ; and the kind of discipline practised in his army rendered it formidable only to itself ; his men killing one another in a crowd, and, unnerved by the yells of the savages, destroying their provisions and stores to expedite their flight from an unpursuing enemy.

This defeat, among other things, had its unpropitious effects upon the expedition against Niagara, under Gen. Shirley, who was at this time at Schenectady, forwarding his forces to Oswego. Many of his soldiers and batteau-men deserted him, and the Indian interest declined of course ; notwithstanding which, he pursued his object steadily, endeavouring, as he marched, to recover the confidence and succour of the Six Nations.

The expedition against Crown-Point was the next, and indeed the most interesting military subject which engrossed the attention and feelings of the people. Baron Dieskau having arrived in Canada with about 1,200 soldiers, after suffering a loss of several companies of men by the capture of the *Alcyde* and *Lys* men of war, directed his arms against the

the British Americans in this quarter. Major-General Lyman having marched forward to the carrying-place about sixty miles from Albany, began to build Fort Edward on the east side of Hudson's River. Gen. Johnson advanced about fourteen miles further to the northward, at the south end of Lake Sacrament or Lake George. Ticonderoga, which was situated on the isthmus between the north end of Lake George and the southern part of Lake Champlain, fifteen miles short of Crown-Point, was at this time unfortified: and it was in contemplation of the English to take and keep possession of it, as the key to their principal object, when Dieckau put them on their defence.

Upon Gen. Johnson's informing the Colonies that were concerned in carrying on his expedition, of the deficiency in the numbers of his own men, and the unexpected increase of those advancing against him, the Lieutenant-Governor of Massachusetts Bay immediately called an extraordinary convention of the General Assembly, to consider of the necessary measures to be adopted in further aid of this important and favourite enterprise. Upon examination it was found, that
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of the eight hundred men voted in addition to the original fifteen hundred, ten companies were filled, one half of which were on their march, and the remainder in a situation to proceed in a few days. The General Court then voted to raise two thousand more, by enlistment, if practicable, otherwise by an impress ; and offered the requisite encouragement of pay and bounty ; at the same time sending information of this measure to the other Colonies, with a request that they would make proportionable exertions. They also passed a law to raise a tax of £.18,000. However, so exhausted were their resources, that a committee appointed at the next session to inquire what monies could be borrowed for the use of the Province, reported that it was with difficulty they could obtain £.1,450 sterling.

Before the exertions of the Colonies could operate to enable Gen. Johnson to attack Crown-Point, he was himself attacked in his own quarters. Dieskau's plan was at first against Oswego, but the advance of Johnson's army against Fort Frederick induced him to alter his operations, in which, doubtless, he promised himself more certainty of success from

from the circumstance of the camp being destitute of cannon, according to his information ; but the artillery arrived from Fort Edward two days before his attack, of which he was ignorant. Had not this happened, he might have been justified by the event, as the only defence of the English was a breast-work of trees, formed at the moment, without any entrenchment. Upon receiving information of the enemy's approach, Gen. Johnson had detached Col. Williams with 1,000 men, who met the French about four miles distant ; but being inferior in number by about 800, they were forced to retreat with the loss of their commander, who was killed. Another detachment was sent out to their aid, and both were enabled to return into camp, under a close pursuit by the French. At this moment, so critical in the contest, the Baron halted a little at the distance of 150 yards. The Provincials recovered their spirits, and received him with firmness and effect. His militia and savages shrunk away, and he was necessitated to order his regulars to retreat. An impulsive pursuit took place. Dieskau, wounded and alone, was made a prisoner, and his men were dispersed. Having reached the place where their baggage was deposited, they entered

tered into consultation about another attack. Unfortunately for them, Capt. McGinnes, of the New-Hampshire forces, having been dispatched from Fort Edward with about 200 men, bravely fell upon them in the evening, and finished their overthrow. This honour, however, he purchased with his life.

Such a successful defence made by the forces of the British Colonists against a respectable army, with which the regular troops of France were incorporated, was an honourable instance of firmness, deliberation and spirit. The policy of the times, impatience for success after Braddock's disaster, and a sudden elevation of feelings upon receiving it, magnified this achievement into a splendid victory; and Gen. Johnson, who was wounded in the engagement, received £.5,000 sterling from the House of Commons, the title of Baronet from the King, and a very ample share of glory from the public. However, his success did not enable him to gain or even attempt Crown-Point, nor indeed to make any improvement of his victory, except strengthening his post by a stockaded fort. Much altercation took place upon this subject, and there were not wanting those who charg-
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ed him with supineness, arising from a selfish determination not to hazard the laurels he had won. By his letter to the General Court, it appears that he considered the attack of the enemy to have implanted a dread in his troops, who from bad clothing, and many other causes, were by no means inclined to proceed further. He was urged by the commander in chief to press forward at least to Ticonderoga, and some of his officers were for advancing. Of this he complains, attributing it to their having unadvisedly pressed for numerous reinforcements, unknown to him ; and when they had promised too much, were unwilling to own in council what they knew, and even spoke of in private conversation. On the 9th. of October, a council of war expressed a unanimous opinion, that under the circumstances which the army was then in, an attempt upon Ticonderoga, or any intermediate passes or posts, was not adviseable, on account of the want of a sufficient number of men, and a requisite quantity of provisions. On the 19th. notwithstanding the Massachusetts reinforcements had arrived, the council postponed the consideration of the same subject, until further information could be obtained.

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As the General Court of Massachusetts Bay had been foremost in promoting the Crown-Point expedition, and become proportionably exhausted of money, so they lost no time in making such use of the success of the troops in beating off the French, as their necessities dictated. After expressing their satisfaction at the conduct of the army through the commander, they drew up an address to his Majesty, in which they stated their services, and prayed to be relieved under the burthen incurred by means of them. They pleaded the precedent of the Cape Breton expedition; and prayed that his Majesty would give orders for the support of such forts and garrisons as they hoped to establish, and aid them in the further execution of their designs. Their agent, in his petition to the throne upon this subject, stated that it was owing to their great exertions, that the Province did not contain so many inhabitants now as it did in the commencement of the late war with France; the town of Boston in particular, not having so large a number by a fourth part, whilst every other Colony on the continent had greatly increased within the same time.

When the commander in chief urged upon them to join in the plan of the Assembly of New-Jersey,

New-Jersey, who proposed a meeting of commissioners from all his Majesty's Colonies at New-York, to consult what might further be done for the security of his Majesty's territories against the invasion of the French, the same impoverishment constrained the General Court to reply, that the design of securing those territories was what his Majesty alone was equal to project and execute, and the nation to support; and that unless they could obtain the relief which they were soliciting of the royal bounty, they should be so far from being able to aid in removing encroachments, as to be unable to defend themselves. However, in their anxiety to execute what they had begun, they voted a few weeks afterwards, upon receiving letters from the commander in chief and Gen. Johnson, that it was expedient that the army should proceed immediately upon the Crown-Point expedition; they also appointed commissioners to repair to Albany to correspond with the committee of war at Boston, the better to forward supplies to the army; and appeared zealously engaged to support a winter's campaign. But when these commissioners met the Lieutenant-Governor and Council of New-York with the commissioners from

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Connecticut,

Oct. 28.

Connecticut, it was unanimously agreed at their meeting, that the army under Gen. Johnson should be discharged, excepting six hundred men, who should be previously engaged to garrison Fort Edward on the great carrying-place, and Fort William-Henry at Lake George. These garrisons were to be paid and subsisted in the following proportions : Massachusetts Bay 185, Connecticut 154, New-York 123, New-Hampshire 77, and Rhode-Island 61.

In this manner ended the first Crown-Point expedition in the present war, the English building two forts, and the French, notwithstanding their defeat, fortifying the disputed post of Ticonderoga, destined to be so remarkable in future years for the slaughter of the human species.

The remaining subject of general expectation was the military operations for attacking the French at Niagara and Frontenac, by the forces under Gen. Shirley, the commander in chief. After ascertaining the strength of the enemy at both these places, he determined, out of 1,376 regulars and 120 irregulars which were with him, to select 600 of the former

former and a proportion of the latter, with the necessary artillery, and to embark upon his original plan, judging it adviseable to leave all the remainder of his force at Oswego to strengthen and defend it, instead of making a feint against Frontenac, as he had good reason to think that the enemy, from their numbers, were able, whilst he marched against Niagara, to make a descent upon the post which he should leave. During this embarkation, the rains set in with such fury as to distress his camp, dishearten and disperse the few Indians whom he retained, and demonstrated the season for such an expedition, especially as 400 of his men must have gone in open boats, to have passed. It was therefore unanimously advised by a council of war, that it should be laid aside, in order to be renewed at an earlier season, and with additional force, the ensuing year. The General left Oswego garrisoned by 700 men, with orders to execute the plan which he had formed for completing its fortifications.

Thus ended the transactions of the year 1755. "A year," says a well-informed writer of that time, "never to be forgotten in America. It opened with the fairest prospects to

to these distant dispersions of the British empire. Four armies were on foot, to remove the encroachments of a perfidious neighbour, and our coasts honoured with a fleet for their security, under the command of the brave and vigilant Boscawen. We had every thing to expect—nothing to fear. The enemy was despised ; and we only desired a proclamation of war, for the final destruction of the whole country of New France : But, how unlooked-for was the event ! Gen. Winslow indeed succeeded in Nova-Scotia ; but Braddock was defeated ; Niagara and Crown-Point remained unreduced ; the Barbarians were let loose from the wilderness ; many thousand farms are abandoned ; the King's subjects inhumanly butchered or reduced to beggary ; one of the Provinces (Pennsylvania) rent by intestine broils ; in another, (New-York) a potent faction laying the foundation for new disasters in the course of another year." To all which might have been added, an impoverishment of the public finances to a desperate state, the Crown-Point expedition having cost, on the part of Massachusetts Bay alone, £.79,618 8*s*. 9½*d*. besides unliquidated accounts to a large amount, for the charge of the sick and wounded, the garrisons at the

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two forts of William-Henry and Edward, and a great stock of provisions laid in for their support.

Whilst war was raging in the double form of European and Indian terrors through North-America, the scene of action was rendered still more dreadful by an Earthquake, more violent in its motions, and of longer duration, than any heretofore experienced in this quarter of the globe. It happened on the morning of the 18th. day of November, and by a singular circumstance the exact time was ascertained to have been at 11 minutes 35 seconds after 4 o'clock. It continued at least four minutes ; and, shaping its course from north-west to south-east, extended its effects 1,900 miles. It began with an undulatory motion, the velocity of which was demonstrated in Boston by several remarkable effects. Many chimnies were levelled down to the roofs of the houses ; the upper part of the walls of some brick buildings were thrown over ; a distiller's cistern was burst by the agitation of the liquor which it contained ; the wooden spindle of the vane on Faneuil-Hall was broken, and the iron ones which supported the vanes on many high steeples

Bost. Evening Post.

Dr. Winthrop's Lecture on Earthquakes

steeple were bent; the usual displacing of furniture and rocking of buildings took place in a violent degree, and there was, on the whole, demonstrative evidence that this was justly ranked foremost among the five Great Earthquakes of this country, the first of which happened in the year 1638. Such an extraordinary convulsion of the earth, from the circumstances of the people, and their cast of character, operated strongly upon their minds in a moral view; and religion offering a consolation more stable than any temporal support, was resorted to with a fervour, which distant danger or the regular approach of misfortune never inspires. The places of public worship were frequently and universally attended by all ranks of people; and when they became informed of the more dreadful catastrophe which followed the same natural causes in Europe, a renewed sensation resulted from their escape when apparently on the verge of a like general destruction. The government of Massachusetts Bay noticed this solemn alarm by appointing a day of humiliation and prayer, in acknowledgment of the distinguishing mercy of God, and in submission to his righteous judgments.

CHAP. XIII.

Plan of operations for the year 1756—Governor Shirley returns to Boston—Observation on the resources of the British Colonies to maintain a war—Objections to the mode of opposing the French—General Court demand assistance from the crown—They agree to raise another army against Crown-Point—General Shirley recalled—Act of Parliament empowering foreign Protestants to serve as officers in America.

THE great posts on the frontiers of the British Colonies being garrisoned, Gen. Shirley returned to Albany, where he received a commission from the lords justices of the kingdom as commander in chief of his Majesty's forces in North-America, and from thence he proceeded to New-York, where he called a grand council of war on the 12th. of December. To this the Governors of all the Colonies were invited; but those only of New-York, Maryland, Pennsylvania and Connecticut assisted. At their meeting, the want of success in the late campaign seemed to operate in favour of more vigorous and extensive operations,

operations, rather than a discouragement in the planning of the next. They agreed that 10,000 men should be raised for another expedition against Crown-Point, 6,000 for that on Lake Ontario, 3,000 for an attack on Fort Du Quesne, and if it should not interfere with the other measures, that 2,000 men should advance up the river Kennebeck, destroy the settlement adjoining the Chaudiere, and, descending to the mouth of that river within three miles of Quebec, keep all that part of Canada in an alarm.

Having waited until the middle of January to prosecute a winter's expedition against Ticonderoga, which was feebly garrisoned, and being prevented executing it by the want of frost and snow to aid in the transportation of stores, Gen. Shirley set out for his own government, ever the foremost and most influential in the defence of the country, in order to give motion to the great and difficult plan he had conceived.

Upon his arrival there, he was received with many marks of public congratulation. There was an evident rivalry between the Colonies of Massachusetts Bay and New-York. The leading men in the latter were enlisted
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on the side of Gen. Johnson, who was received into their capital with much ceremony on account of his celebrated victory over Dieskau. The former was determined not to be outdone in this respect upon the arrival of the commander in chief. In addition to military parade, an evening's repast was provided to drink his Majesty's health upon the occasion, and addresses were presented from both branches of the General Court, several corporations and other public bodies of men, as was done upon the Governor's late arrival from Europe. The Council and House of Representatives observed, that the preservation of Oswego and the continuance of his Majesty's possession of the Lake Ontario was to be attributed to the care and vigilance of His Excellency, on the continuance of whose life and administration the future prospects of the Province greatly depended.

However the British Colonies might have abounded with men, and with a spirit of loyalty and firmness in the defence of the country, their ability to maintain an extensive and continued war was small. The means of procuring money, that great instrument in all national measures, was exhausted in a single

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campaign, which is readily to be accounted for by a moment's reflection on the nature of their fiscal resources. Although in Massachusetts excise duties were used even more freely than the spirit of later times would admit of, yet in so small a community, the consumption of dutied articles, in point of revenue, was trifling, and the duration of the laws for raising money in this way, was short. Their greatest recourse was to the direct taxes upon polls and estates, which very much resemble the voluntary contribution of individuals towards any object of which they are all in favour, and fail in punctuality at least, long before the inability of the people begins, unless the use to which the proceeds are applied, be agreeable to their own conceptions of what it ought to be. Without irrevocable grants of taxes, founded on permanent funds, no national credit could be raised on which money might be borrowed ; and the idea of a national debt being established among so young a people, could never be wished for nor expected, beyond the unavoidable excesses of ordinary expenses, if any such should unfortunately remain. These considerations receive additional force, if we contrast the policies of the two contending nations in Europe

rope as before hinted. The one standing forward herself, and using her Colony only in the way which it was natural, and not unprofitable for it to act in ; the other pushing forward her Province as principals, and rather backing them like allies than supporting and maintaining them like subjects.

Here then lay Governor Shirley's task, of which he was aware, and received full evidence of its weight. There were not wanting among the people those who, with some plausibility at least, objected to the whole plan of opposing the French, by an attack upon Crown-Point. They saw no proportionable advantage that could result from the expense of so much money. If it should be taken (of doing which, from the experiment of the last year, there resulted little hope) the fort must either be demolished or garrisoned : if demolished, the French would build another at perhaps a tenth part of the expense which the English must be at in putting them to the trouble ; if garrisoned, it would impoverish the New-England governments to maintain the possession of it ; or would be a greater charge to the mother country, if she should undertake it, than all Canada would be worth
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to her. The only rational method in their opinion, therefore, would be to bestow strength and treasure upon a plan which would be final in its effect, by attacking Quebec itself, on which all other parts of Canada depended, and which did not require more force to subdue it than less important posts. The magnitude of the Crown-Point expedition also was said to be vastly superior to its ultimate proposed effect, it being intended by the council at Alexandria as nothing but a feint to draw away the force and attention of the enemy from Fort Du Quesne, and so to exhaust and harass all New-England for the benefit of the southern Colonies. The manner in which the last campaign terminated was likewise very unsatisfactory to the people, it being difficult to convince many that the interest of the Colony of New-York was not preferred to that of the whole, in the building of two expensive forts within its territories, and in the protracting of a war particularly beneficial to its inhabitants, when a manly pursuit of a discomfited enemy might have finished the expedition. A censure naturally arose out of this reflection upon Gen. Johnson, who belonged to the Province

ince of New-York ; and this, together with the general want of success in the war, drew correspondent invectives against the commander in chief, which at length became so frequent, disrespectful and severe, that he sent a message to both Houses of Assembly expressly upon the licentiousness of the press, considering the publications in the newspapers, as reflecting not only on the officers, but on the governments concerned in the late expedition against Crown-Point, and recommending to them to consider of measures to prevent the publication of such malignant libels, which might alienate the affections of the several Provinces from each other.

The two Houses, in their reply to this message, demonstrated their sense of the injurious tendency of such publications, by expressing their utter disapprobation of the writings in question, and their willingness to countenance a prosecution, so far as they were an offence against law : at the same time offering in a future session (being then about to rise) to supply any defect there might be in the provision made against such practices ; and expressing a hope that the government of New-York would take care to restrain

Journal of
the House
of Repre-
sentatives.

strain the licentiousness of the press there, where pieces of a similar nature had been published.

It is scarcely necessary to add what at this day will be so readily anticipated, that this mild suggestion of government had not the effect of silencing political scribblers, in a free country where the constitution throws off its humours by its vigour. The wisdom of man has not yet invented a scheme which will admit of the uncontrolled defence of liberty, and at the same time exclude from the press the asterisks of slander, and the black-lined inuendoes of interested malice.

Upon the Governor's laying before the General Court the plan of operations agreed on at New-York, they replied that there never was a time in which the interests of the British Colonies were in a more critical situation than the present, and through his zeal, vigilance and prudence, they promised themselves the satisfaction to see the French removed from their unjust encroachments: that by the Kennebeck and Crown-Point expeditions, the debt of the Province was so much increased, that its inhabitants were
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ready to sink under the burden of taxes incurred by those means ; and the credit of the government had been stretched so far, that they even despaired of borrowing money sufficient to pay off their troops lately returned : that they engaged in the latter enterprize, in humble trust and confidence that his Majesty would be graciously pleased to encourage them in it ; but if it appeared to be above the abilities of the Province, when it was first undertaken, at which time it was proposed to furnish only 1,200 men, it must prove much more so when the troops had been augmented to upwards of four thousand : that, early apprehensive of this burden, they had instructed their agent to solicit relief at home, where the Secretary of State observed, that the attempt upon Crown-Point was made a part of the plan at Alexandria, and that the proceeding in it was carrying so far the plan into execution, and mentioned the ample powers given to the General, relating to the charges occasioned by the war : that therefore, having the strength and treasure of France employed against them, they relied upon His Excellency's doing every thing within his ability to ease them of their heavy burden ; and that his Majesty would be
pleased

pleased to afford sufficient force to oppose so powerful an enemy.

However, upon re-assuming the consideration of their further prosecuting the expedition, they proposed, that if a sufficient sum could be advanced for paying the soldiers employed the last year, and a suitable bounty to such as it should be found necessary to employ the ensuing one, they would proceed immediately to do every thing requisite on their part towards raising the forces.

After they had declined to garrison the fort at Number Four in New-Hampshire, on the same principles which induced them to decline undertaking a new expedition, the Governor agreed to their proposition, and loaned the Province £.30,000 sterling out of the King's money in his hands, taking for security such grant as might be made them for their extraordinary services by the King or Parliament, and a further collateral mortgage of a tax to be raised in the two following years.

The pecuniary aid being thus settled, the General Court voted to raise 3,000 men to assist in removing the encroachments of the French

French near Crown-Point, and to these 500 were afterwards added. The command of all the provincial forces in this expedition was given by Gen. Shirley to Major-General Winslow, who was called for that purpose out of Nova-Scotia, where he had conducted with such approved caution and ability, as increased his popularity with his men, and strengthened the confidence which the government had placed in him. Notwithstanding this, there appeared a great alteration in the facility of raising soldiers for the service, owing to the various draughts which had been made in the last year, and the great waste of men which takes place in military bodies. A bounty was offered to every one who would enlist; and in case of this encouragement proving ineffectual, it was provided that an impress should take place, which was designed to compel the party draughted to serve personally or pay a fine. In some cases, every man in a company would pay the fine, which still was insufficient to raise its quota; and in others, the whole company would absent themselves excepting the number required, who being impressed according to law, were found unfit for duty: so that by returns from Gen. Winslow on the 26th. of May, Massa-

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Thomas
Berry's
Letter from
Falmouth.

chusetts had only 2,600 men in the field, and in the month of August about 3,000, although the Province had then paid the subsistence money, and furnished arms for a larger number, and had advanced the bounties for the privates of 3,500, its whole proportion. This embarrassment in raising men, was no doubt owing in part to a very distressing impress of sailors by the King's ships, even out of the fishing craft, and to the unjust detention of one of the battalions of men sent the last year into Nova-Scotia, against the most earnest remonstrances of the government, and a serious caution that the distresses of that country might find tardy relief, if again required from the accustomed, but, at length, abused protection of the Province.

Notwithstanding Gen. Shirley must by this time have understood that he should be superseded in the chief command of all the forces in British America, and must have felt the weight of ill fortune and opposition crowding him from his provincial station, yet he did not relax in the prosecution of the military operations which were before him. Having finished the session of the General Court on the 21st. of April, he began his journey to New-York

York the same day, and arrived at Albany on the 13th. of May. Here he continued a diligent command of the troops, until the arrival of Gen. Abercrombie about the last of June, who succeeded him in that important station for a short time, being himself superseded by the Earl of Loudoun in the latter end of July. Gen. Shirley received his recall, in a letter from Mr. Fox, Secretary of State, acquainting him that it was represented to the King that his presence in England might be very necessary to his Majesty's service at that time, as he was able to give much light and information relative to the state of affairs in North-America ; and a frigate was ordered to receive him. However, he remained ignorant whether or not he should be finally taken from his government, to which he returned on the 9th. of August.

Shirley's
Let. to Sec.
Willard,
July 12.

It being provided by acts of Parliament, that foreign Protestants, upon their residing in the British Colonies seven years, might be naturalized, and enjoy all the privileges of native subjects, excepting those particularly specified, of which that of holding military commissions was one ; many persons of that description had emigrated to North-America, under

under the encouragement of these laws. As the ministry were about to raise four standing regiments for the defence of the country, particularly those parts which were inhabited by Quakers, who had carried their principles of non-resistance to such extravagant lengths, as to bring the Province of Pennsylvania into imminent danger, they conceived the design of filling one of them with this class of new-made subjects. A law was accordingly made to enable a number of them, not exceeding seventy, upon taking the oath of allegiance and complying with the other conditions prescribed by law, to serve and receive pay as officers and engineers in America. Two important reasons were assigned for this by the act; because many of them had served in foreign countries, and acquired experience in the military profession, and because the soldiers who might enter the service from this class of people, could not be so well disciplined by any other persons, as those who were acquainted with their language and manners.

A very zealous opposition was raised to this act by many respectable members of Parliament, and the agent for the Province of Massachusetts Bay joined them, petitioning the House of Lords to be heard against it.

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The reasons which they urged, so far as they respected the bill in its ultimate form, were of the following nature. That the bill was inconsistent with the act for the further settlement of the crown, and better securing of the rights and liberties of the subject, which expressly provided that no foreigner, even although he should be naturalized or made a denizen, should be capable of enjoying any office or place of trust, civil or military ; and this provision had been considered and revered as an essential and sacred part of the British constitution : that the incorporating of these emigrants into a separate regiment would tend to keep up their ignorance of the English language, and of the laws, orders and usages of the country, and prevent their uniting with the old subjects : that many of the settlers, for the sake of whose services the employment of foreign officers was proposed, had not resided the full time requisite by the bill to entitle them to naturalization, and they would, without such residence, be improper persons to be made part of his Majesty's forces : that the supposition that these new subjects would be more induced than the native Americans to become part of his Majesty's standing forces, and that
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they would be particularly serviceable in garrison, was ill founded ; because the cheapness of land, the high price of labour, and the value of civil liberty, being the chief causes which prevented the Americans becoming soldiers for life or for any indefinite time, and the new subjects having come to the Colonies with an intent to enjoy those great advantages, it was probable that the same causes would produce the same effects upon their minds : or if any of them should be engaged in the service, it would probably be those who had no property, little industry, and whose motive for going to the war would arise from their idleness : that such persons, wanting the love which natural-born subjects have for their country, their fidelity could not be equally secured with that of the latter ; and that they would be particularly unfit to garrison the forts upon the frontiers, which were erected not only for their protection in parts remote from the English settlements, but to preserve and cultivate a good correspondence, and carry on a commerce with the several Indian nations which frequent them, and where all circumstances conspire to make it necessary that the garrisons, with every thing else, appear as much English as possible :
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that the raising and disciplining a regiment in the Colonies by foreign officers would be disagreeable to the Colonies in general, and especially to those in whom the chief strength of his Majesty's arms in America lay ; to the officers at large in the provincial corps, as well as those who, after distinguishing themselves by their good behaviour, might desire the honour and favour of receiving those commissions which were proposed to be given to the foreigners ; to the main body of the Americans who were in arms, whose general sentiments concerning foreigners were such, that it would be difficult, if not impossible, to reconcile their minds wholly to this measure ; so that if a junction of this intended regiment with the other troops should be requisite, there was good reason to apprehend such jealousy, animosity and divisions would arise, as would be destructive of the mutual confidence, which is so desirable in an army for its success.

The magnitude of the principles adduced in this argument, as well as the zeal with which they were urged, seem to have been disproportioned to the importance of the subject : and the whole served only to enlarge the cloud of opposition, which the rays of ministerial

ministerial power had as yet strength sufficient to dispel, although fast descending into the horizon of political oblivion.



CHAP. XIV.

The army sent against Crown-Point joined by the regulars—Mode of acting together settled—Forts at Oswego taken by the French—The English army put on the defence—Reimbursement money arrives—Reinforcements ordered—Governor Shirley embarks for England—Conduct of the General Court towards him—His character—Campaign closed—Miscellaneous matters.

IF the campaign of 1755 was unsuccessful, that of 1756 contributed nothing towards raising the military reputation of the English. The expedition to Crown-Point, it is true, exhibited an immense display of labour, and a ready zeal to meet the enemy. Some idea may be formed of it in this view, if we consider that the troops, provisions, and military stores, were to be collected from a country extending itself several hundred miles from Albany,

Albany, the place of rendezvous, and then to be transported, partly by land and partly by water, seventy miles by successive stages to Fort William-Henry, through roads constantly to be repaired, and pervading a wilderness, always exposed to the sudden and unforeseen attacks of the enemy, so as to allow of nothing being carried safely, but with a superior force. The burden of such an enterprize will not be difficult to be understood by military men. The weight of the ordnance stores exceeded 200 tons; and the calculation for moving the provisions of the Massachusetts Bay alone required upwards of 480 teams. But this elaborate project was checked and converted into a mere system of defence, by a similar though less bloody misfortune than that of the last year.

Gen. Winflow, upon reviewing his situation, not only conceived that the numbers actually in the field under his command, which never much exceeded 7,000, were insufficient to secure his enterprize, but that the whole proposed force, if collected, would scarcely be equal to it, and therefore urged an increase of his men. But when the regular troops arrived from England, the army

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Gen. Winflow's M.S. Journal.

appeared to be sufficiently strengthened, as the whole body of the Provincials would be enabled to march into the country occupied by the enemy : for the plan agreed on was, that they should advance, and as they quitted the forts and other posts, the regulars should succeed to their stations, and perform the duty of the garrisons. This division of the service appeared highly honourable to the colonial troops, and was grounded chiefly upon an opposition which they made to the distinctions existing between them and the regulars, which, although before noticed, it may not be amiss to detail in the present instance.

Abercrombie, then commander in chief, having sent for Gen. Winslow to Albany ; upon his arrival there, the question was put to him, What effect the junction of his Majesty's forces would have with the Provincials, if ordered to join them in their intended expedition ? To which the reply of the American General was, that he should be extremely pleased if such a junction could be made, but apprehended, that if by it the provincial officers were to lose their command, as the men were raised immediately under them by the
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several governments, it would cause an almost universal discontent, if not desertion, and requested leave to consult his principal officers. At a meeting held by them, after five days debate, they fully confirmed their General's opinion, as putting the men under the command of other officers would be contrary to the tenor of their enlistment, and they, of course, would not be held. The officers also added, that if a junction should defeat the expedition to Lake Ontario this year, it would enable the French to draw their forces from that quarter, to reinforce the posts of Crown-Point and Carilon, with numbers beyond what his Majesty's troops would reinforce the Provincials. But if it should not have this effect, nor deprive their general and field officers of the same rank and command as they would have if no junction took place, in that case they thought it would be acceptable to the Provincials, and promote his Majesty's service. From that part of this opinion which related to the Ontario expedition, Major-General Lyman, and nine other members of the council, dissented, as not being a direct answer to the question proposed. Upon the arrival of Lord Loudoun, the same subject was revived, and the question was put
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July 22.

in a more serious form : Whether the troops now raised by the several Provinces and Colonies of New-England, and armed with his Majesty's arms, would, in obedience to his Majesty's commands signified to them, act in conjunction with his Majesty's troops ; and under the command of his commander in chief, in whose hands he had put the execution of all these matters ? To which the provincial officers unanimously replied, that they cheerfully submitted themselves to Lord Loudoun in all dutiful obedience, and were ready and willing to act in conjunction with his Majesty's troops, and to put themselves under his command, as the commander in chief of all his Majesty's forces in North-America ; but as the troops raised by the several Provinces and Colonies in New-England had been raised this year on particular terms, and had proceeded to act thus far in that form, they humbly begged it as a favour of his Lordship to let those troops act separately, so far as it was consistent with his Majesty's service. This dispute being thus settled, the separate operation of the forces was permitted, and the attention of both parties was soon called off to a different subject.

On

On the 10th. of August, the enemy approached the fort at Oswego with a force of more than five thousand regulars, Canadians and Indians, and after attacking it and firing with small arms until the 13th. they brought up their cannon, and prepared to open a battery within 80 yards of it. Upon this, Col. Mercer, the commander, after taking the opinion of his officers, ordered Fort Ontario to be evacuated, and the men retired without loss to the old fort, against which the enemy opened a battery of eleven pieces of cannon the next morning. This was played off with such effect as, after killing the English commander, to render the place untenable in a few hours, according to the declaration of the engineers. To save an assault, the garrison, consisting of 1,400 men, surrendered as prisoners of war under Col. LITTLEHALES, being then possessed of five months provisions. A respectable naval armament on the lake fell into the hands of the French, who were now enabled to advance with full force against Crown-Point. Their policy was no less conspicuous than the superiority of their arms. Instead of continuing the fort at Oswego, they demolished it in the presence of the Indians

M.S. Letters of John Choate, Esq.

Boston Gazette.

dians of the Five Nations, to whom they represented that the French aimed only at enabling them to preserve their neutrality ; and therefore destroyed the fortrefs which the English had erected in their country to overawe them, disdaining themselves to take the same advantage, although put into their hands by the right of conquest.

The misfortunes of this year produced the fear of responsibility and the spirit of recrimination throughout the English nation, from the prime minister down to the lowest commander. Address was used to shift the loss of Oswego, like that of Minorca, from one agent to another. Those who had laboured against Gen. Shirley with so much effect, preserved a consistency in ascribing it to his not strengthening the garrison, to the weakness of the fortifications, and to his neglect in acquainting his successor with its true situation. Their opponents thought the case spoke for itself. The resistance of the garrison, who were 1,400 strong, and who had a plenty of provisions, lasted for a few days only. However the superiority of the enemy might have been foreseen, it was very little felt, as the loss of men was too trifling to mention,

tion, and the state of so important a fortress could not have remained unknown for two months to Shirley's successors, when his constant solicitude and observations respecting the fate of Oswego were so notorious.

This disaster produced orders from Lord Loudoun to Gen. Winslow not to proceed in his intended attack upon Ticonderoga at present, but to guard against the enemy's attacking him, or advancing into the country by South-Bay or Wood-Creek. Major-General Webb, with about fourteen hundred men, took post at the great carrying-place, and Sir William Johnson, with about one thousand of the militia, at the German Flatts, to prevent the enemy's coming behind him. Reinforcements were sent for from all the Provinces, and every possible measure taken to prevent the enemy over-running the country, which was thought not improbable if the army at Lake George should meet with any misfortune.

Whilst the army was preparing for action on the frontiers, exertions were making in Massachusetts to fill up its quota, which was yet deficient 600 men. The receipt of letters from

Journals of
the House of
Representa-
tives.

from Mr. Fox, Secretary of State, and the reimbursement money for extra advances of the last year, gave a spirit to recruiting, which enabled the General Court to renew the bounty to such as should enlist, it being found impracticable to force the service further by an impress. An armed sloop was also provided to guard the sea-coast, in conjunction with such ship of the royal navy as it was hoped might be obtained for the same purpose ; it being now known that war was declared against France on the 18th. of May. The sum granted by Parliament was £.115,000 sterling, which was apportioned in the following manner: Massachusetts Bay £.54,000, Connecticut £.26,000, New-York £.15,000, New-Hampshire £.8,000, Rhode-Island £.7,000, New-Jersey £.5,000. This money arriving at New-York with the troops from England, enabled the government to pay off the anticipation borrowed of the commander in chief, and to replenish the public treasury. They had also the satisfaction to find, that the Province had not only anticipated the King's expectations in raising men, but had also furnished them with provisions, which he had ordered to be found at the national expense.

Before

Before all the requisite levies could be forwarded, the melancholy news arrived of the capture of Oswego, with the opinion of Lord Loudoun, that he could scarce hope to do more than to resist the French power in his quarter. The provincial army was supposed, by this misfortune, to be left exposed to the whole strength of the enemy. So interesting a danger left no hesitation as to immediate efforts. The General Court requested the Governor to make a draught of 1,000 men from the western regiments in the counties of Hampshire and Worcester, to relieve and aid Gen. Winflow's army, when he should inform of the motion of the French to attack him, and should judge it necessary for this reinforcement to march.

In this declining state of military affairs, the King's orders made it necessary for Governor Shirley to embark for England. Upon this occasion, there appears a cordial and affectionate conduct towards him on the part of the General Court. In their address, they express their concern at being deprived of his wise and prudent conduct. They recited, with marks of approbation, his unwearied application to business, especially in the expe-

dition against Louisbourg; his vigilance in repeatedly preserving Nova-Scotia; and his watchful observation of the perfidious designs of the enemy; which could not but endear his memory to them, and recommend him to the royal favour. The easy manner in which the ancient and irritating subject of a fixed salary was awakened and conducted, is a still stronger evidence of the harmony which subsisted between them. In a message for making provision for his pay when out of the Province, he reminded them that his Majesty understood the promise, made him by former assemblies during the time of the dispute between Governors Burnet and Belcher concerning a fixed salary (and upon their making of which his Majesty was pleased to permit his Governors ever since to accept of grants of £.1,000 sterling per annum, made annually by the assemblies) to be, that they would constantly make such provision for his Governor's support, as well when he should be absent out of the Province as resident within it. And the King, under this expectation, instructed the Governor, when he should be so absent, that one moiety of his salary should be paid to the Lieutenant-Governor towards his maintenance, and the better support of his

his dignity : adding, that he produced the instruction at this time, rather to shew the ideas of the King as to the allowance to be made to the Governor when out of the Province, and that the engagements and promises made by former assemblies were binding, than to obtain any thing by force of it. The assembly avoiding altercation, passed a vote to allow £.400 to the Governor, *as a present*, for his services in the government, and for furnishing his table with such things as would be for his better accommodation in his intended voyage. This was presented with an address equally friendly to him, and circumspect as to the point in question.

On the 25th. of September, the Governor embarked at Boston with the usual military parade, leaving the chief command of the Province to devolve again on Lieutenant-Governor Phips.

In taking our leave of Governor Shirley, it cannot be uninteresting to recollect his history and character. Being a native of England, he was there bred to the law, and came over to America in the line of his profession, which he followed until he received his commission in the year 1741. This circumstance was
peculiarly

peculiarly fortunate, as it of course prepared him for his future official duties, by instructing him in the character and manners of the people, so differing from those of the Europeans, which he could not have well understood upon a recent connexion. Perhaps the most eminent features of his government were formed from the knowledge which he thus acquired, since of all his good qualities, his address and conciliatory habits effected the most. Placed in a situation, where the jealousy of the people as to the enlargement of the King's prerogative, was neither to be eluded nor overawed, and where the crown at the same time expected him, as its representative, to preserve its claims entire to their full extent, and perhaps to subserve its views of future encroachments, it was the height of his good fortune, by a spirit of accommodation, to avoid the broils which had been so constantly fomenting between the chair and the assembly in preceding administrations; and to direct the force of opposition, where, in a patriotic age, it will ever be guided, against the subtlety and force of the common enemy. The successful expedition against Cape Breton which he planned, and of which he in a great measure, directed the execution, will

will be a lasting memorial of an enterprising spirit, which gave lustre and consequence to the cause of the country. The abolition of the paper currency, under the evils of which the other governments of New-England laboured so long after, owed much to his firmness and perseverance. As a commissioner for settling the boundaries between the great contending nations in America, he is acknowledged to have possessed information, and to have contributed largely to the English defence. And, in general, it may be said that his discernment as a politician, and above all, his unremitting industry, rendered him the most conspicuous and popular among the Governors of his time.

The chief command of the British forces in North-America was an appointment arduous, intricate and full of hazard : so various in its duties, that it was requisite the comprehensive powers of the general should be supported by the activity of a partizan, and the restricted energy of subaltern talents ; so extensive in its object, that the many advantages resulting from general arrangements were liable to be wrested away by the immediate agents, whilst the evils unavoidable in any system,

system, might fall unbalanced upon the head of the prime director. This was the situation most calculated to betray Governor Shirley, who, however he might raise his military plans upon a knowledge of the country, a just estimate of his own resources, and a penetration into the views of the enemy, did not possess the alertness of practice, nor the vigour and confidence resulting from habit, which were necessary to carry them into execution. In giving motion to a complicated and newly levied force, he met with obstacles not wholly surmountable, perhaps, by the greatest military talents, which delayed, interrupted, and eventually frustrated, the projected attack upon the enemy. His station, so unusual in the country and so paramount to all the officers in the Colonies, naturally drew upon him the scrutiny of emulation, and the uncharitable censure of envy. Opposers sprung up whose hopes were founded upon his misfortunes, as their merits depended much upon being contrasted with his mistakes. Even private friendship, it is said, became treacherous from ambition, and a rival sprung out of his voluntary patronage. Fortunate had it been, if these enemies had found no other ground of opposition than the suggestions of emulation.

emulation. But the character of Governor Shirley, as may be expected, had its shades. In military affairs, he was slow, and inapt to seize upon the moment for success ; and at an unpropitious hour, his usual prudence forsook him in private life. Having been allied by marriage to a respectable family in England, whose influence gained him his appointment, he, after the death of his wife, and whilst he was a commissioner at Paris, formed a second matrimonial connexion, the reverse of the first, as it respected his own dignity, and opposed to the prejudices, if not to the interests of his country. If these causes had not been sufficient to effect his removal, the state of the English nation, perhaps, demanded it in the view of the ministry. The city of London and other places were loudly petitioning as well against those through whose treachery or cowardice Mahon was lost, as those through whose inactivity the American war was so unsuccessful : And it was not a small testimony of his merits, that at so inauspicious a moment, he was compelled only to exchange his government for the very inferior one of the Bahama Islands.

It

It has been alleged that he disclosed to a leading character in America, by way of experiment, the ministerial plan for taxing that country. But as it is certain that this was wholly laid aside during his administration, it is a favourable and not improbable conjecture, that his knowledge of the Americans, and his desire to preserve their efforts against the French, unimpaired by a jealousy of such an inadmissible claim, contributed much to prevent its advancement. However, without prejudice to him, it is to be observed, that the events which took place during his administration naturally led to the great contention which took place between Great-Britain and her Colonies. The former, by fighting France in America, explored the country by her armies, and appreciated its value by the eagerness of the enemy to possess it. She also charged the defence of it to the Colonists, as necessary for their immediate preservation, and thence deduced the reasonableness of taxing them towards the national expenses.

Governor Shirley, after serving a number of years under his new appointment, in which he was succeeded by one of his sons, returned to Massachusetts, and died at his former seat

in Roxbury, on the 24th. day of March, 1771, and his remains were interred with the honours of war, under the King's chapel, in the capital. Although he had held several of the most lucrative offices within the gift of the crown, in America, yet he left nothing to his posterity but a reputation, in which his virtues greatly prevailed over his faults, and which has not been surpassed by that of any succeeding Governor under the English sovereignty.

The defensive system which had taken place in the army in consequence of the capture of the forts at Oswego, required of Gen. Winslow to fortify his camp in the strongest manner which his position would admit of. One of the two sides by which alone the enemy could approach him with advantage, he secured by a dam that enabled him to overflow a morass with water; the other he encumbered by felling the trees, so as to retard any regular advances, and to give him the superiority in the defence. These measures were designed to secure Fort William-Henry until the season should be over for a regular siege, by which alone he apprehended it could be taken. But a new

O o

enemy

enemy arose, more dreadful to New-England troops at this time, than the swords of the French or the tomahawks of the Indians. This was the small-pox, which broke out at Albany. The recruits ordered to be detached from the counties of Worcester and Hampshire, after meeting with a check in their march from a mistake in the issuing of the commissions for their officers, were seized with such a dread of this disorder, as rendered any service scarcely to be hoped for from them at this time; and the army at Lake George, then on the wing, was not much less affected by it. The General Court were so impressed with the operation which it would probably have upon the levies, that they requested the Lieutenant-Governor to represent their case to the Earl of Loudoun, in order that their march might be countermanded, as there was much more probability of mischievous than good consequences ensuing, if they should attempt to pursue it.

Journals,
Oct. 22.

Their assistance became unnecessary by the termination of the campaign, and the dismissal of the provincial forces, excepting the regiment of New-York, on the 11th. of November; Fort William-Henry and the other posts

posts in that quarter, being then left garrisoned by the regular troops. This brought home the six regiments and the train of Massachusetts, and made it necessary to devise new ways and means for paying their wages. It was natural to have recourse to the same assistance which was obtained the last year under similar embarrassments: and a committee having been appointed to wait on Lord Loudoun upon the general concerns of the war, the General Court instructed them to solicit a loan to enable the government to do justice to the soldiers, and support the public credit. But his answer was, that the support of the regular forces would call for all the public money which was then in the treasury, and that a compliance with the desire of the Province would therefore greatly prejudice his Majesty's service. Journals.

The proposed expedition up the Kennebeck, in order to destroy the settlement adjoining the river Chaudiere, terminated only in a scouting party, which explored the country; and seems to have been undertaken rather from circumstances that occurred in the course of the summer, than as a part of the great plan originally projected. The Indians, as usual, kept

kept up their lurking warfare on the frontiers, and not without execution. In the month of April, a small party of them waylaid a field at New-Marblehead, where the inhabitants were at work, killed one man and wounded another. A detachment immediately issued, and pursued them so closely as to have an opportunity of firing upon them, but succeeded no further than to take five of their packs. Another party entered Winchendon in June, and took Mr. Josiah Foster and his family. A pursuit was not ordered, lest the captives should be killed. In the same month a bolder attempt was made at Fort Halifax. As two of the garrison were catching fish at the Falls, four Indians fired, and wounded them mortally. One returned the fire, and the assistance from the fort was so quick as to prevent their being scalped. These attacks induced the General Court, in addition to the scouting parties established throughout the eastern country, to send a small force in whale-boats up the river Amariscoggin, to surprize the enemy, so as to prevent their coming down in the fall from New Norridgewock, the hunting ground of the Indians, and by which those in the French interest, travelled to approach the frontiers. This party meeting
with

George Ber-
ry's Letter,
April 17.

Oliver Par-
tridge's Let-
ter, Hatfield,
June 8.

Samuel
Howard's
Letter, at
Fort Halifax.

Journals.

with no enemy, took the courses and distances of the river to the extent of about eighty-five miles, and such other observations as occurred relating to the nature and state of the country. On the first of November, when the scouts were directed to be dismissed, the government ordered the enlistment of 150 men, to serve four weeks in ranging the hunting grounds of the Indians, between the eastern frontiers and Canada.

In the transatlantic incidents of a parliamentary nature, affecting the Province of Massachusetts Bay, in common with the other British plantations, it is necessary to mention the continuation of the law called the Sugar Act, for the term of three years. This law, being a temporary one, was made in the sixth year of the reign of George II. for the better securing and encouraging the trade of his Majesty's sugar Colonies in America, and had been continued from time to time until the present year. The substance of it was granting a tax of nine pence a gallon on rum and spirits, six pence a gallon on molasses and syrups, and five shillings a hundred weight on sugars and panicles made in the American plantations not belonging to his Majesty ; to be

Bollan's Letter,
May 29.

be paid on importation into the British plantations, before landing. The importation of sugars, &c. except those of the British plantations, into Ireland, was also prohibited, unless shipped in Great-Britain ; and a drawback was allowed on them in case of exportation : The necessary forfeitures were provided, and made recoverable in the court of admiralty, or any court of record. It is easy to see that a tax founded on the principle of regulating and encouraging manufactures, was too convenient an instrument for the purpose of general revenue to be suffered to expire ; and the motive for continuing it, may well be supposed to have been founded rather upon the principle of taxing the molasses trade, than upon the complaints of the West-Indian sugar planters.

The petition which the General Court, in their solicitude to relieve the burdens of the people, had directed to be presented to the King, requesting that the forts within the Province might be garrisoned at the national expense, was checked by their agent, who requested the annulling of his instructions upon this subject. He submitted it to their consideration whether, if their request should be

be granted, the garrison would not be appointed by the crown, with the entire direction of every thing relating to it : whether it would not in time produce a claim to the immediate jurisdiction and property of the country protected by it ; and whether this would not make an important breach in the unity and extent of the power of government now exercised under the charter over the whole Province : whether the crown would at that time of expense, take upon it the particular charge of maintaining Fort Halifax, without having further views. He also submitted it to their opinion, whether, as the French from possessing the eastern parts of the Province might gain the whole of it, and even the whole of the continent, the best security against this would not be to settle those parts ; and whether it did not appear from experience, that the use of regular troops had the greatest tendency, at all times, to advance the settlement of a new country : and generally, whether the application to the crown to garrison the forts, was not a departure from the standing policy of the Province. These apprehensions were obviated by the various expenses of the war, which did not admit of
the

the mother country engaging in such a plan to bridle her Colonies.

Among the worthy men who lamented the public troubles, and who were not permitted to view the distant blessings of peace, we ought not to omit mentioning the pious and benevolent Josiah Willard, Esq. Secretary of the Province, who died on the sixth of December. He filled that office near forty years, and part of the time discharged the duties of a Counsellor, and Judge of Probate for the county of Suffolk, in connexion with it. An assemblage of good qualities served to display in him, with peculiar happiness, the operation of the moral and religious principles of his forefathers, and rendered his death universally regretted, in particular by those who were most attached to the ancient system of manners, now about to yield to a general change in the order and opinions of society.

Dr. Sewall's
and Mr.
Prince's Ser-
mons on his
death.

END OF VOL. I.



CONTINUATION
OF THE
H I S T O R Y
OF THE
P R O V I N C E
O F
MASSACHUSETTS BAY,

From the Year 1748 to 1765.

WITH AN
INTRODUCTORY SKETCH OF EVENTS FROM
ITS ORIGINAL SETTLEMENT.



By GEORGE RICHARDS MINOT,
Fellow of the American Academy of Arts and Sciences, and
Member of the Massachusetts Historical Society.



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CONTINUATION

U. S. DEPARTMENT OF THE INTERIOR

WATER RESOURCES DIVISION

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

TO THE SECRETARY OF THE INTERIOR

1903

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES

PASSED MAY 12, 1902

1903

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Washington, D. C.

JUDGE MINOT sprung from an old and respectable family, and was born in Boston in the month of December, 1758.

After obtaining the advantages of a collegiate education, and pursuing the regular routine of study, he was admitted to the bar in 1782. He soon after became a magistrate, and for several years Judge of Probate. He was the first Judge of the municipal court in the town of Boston; and in all the offices he filled obtained the reputation of an upright and impartial dispenser of the laws. He was temperate and cautious in discussion, firm and humane in his decisions. He was the author of several publications that merited and met general approbation. He had nearly completed a second volume of his History of Massachusetts, when he was suddenly called from his literary labours to receive the reward prepared for the just. He had intended continuing his History to the commencement of the revolutionary war, had health and life been spared him. Having reached that happy independence, which entitled him to possess the *otium cum dignitate*, he died and left a character that will be often quoted, by a large circle of literary friends, who loved him for his virtues, and admired him for talents, which time will no otherwise affect than to appreciate.

CONTENTS.

C H A P. I.

MILITARY Council held at Boston—Number of the troops raised in the several Colonies of New-England for the year 1757—Death of Lieutenant-Governor Phips—Governor Pownall arrives—Fort William Henry taken by the French—Controversy between Lord Loudoun and the government of Massachusetts respecting the right of quartering troops—General Court passes a bankrupt act—Adverse state of affairs at the close of the year 1757. - - - 9

C H A P. II.

Louisbourg taken by General Amherst 1758—Fort Frontenac taken by Col. Bradstreet—French evacuate Fort Du Quesne—Unsuccessful attack on Ticonderoga—Death of Lord Viscount Howe—General Court of Massachusetts erect a monument to his memory—Attempt of the French on a fort at George's defeated—Bankrupt law disapproved by the King—Plan of military operations for the year 1759—Number of troops voted to be raised in Massachusetts—Message to the Governor, stating the circumstances of the Province—Fort Pownall on Penobscot river erected—Success of the British arms in Canada. - - - 35

C H A P. III.

Number of troops voted to be raised in the Province for the year 1760—Great fire in Boston—Peace concluded with the Penobscot Indians—Popularity of Governor Pownall—Embarks for England—Controversy between the Council and House respecting the mode of passing the Treasurer's accounts—Reasoning of Mr. Agent Bollan on the rule for apportioning the grants of Parliament among the several Colonies. - - - 56

CONTENTS.

CHAP. IV.

Governor Bernard arrives—System of colonial administration adopted by the British ministers—Parties in the Province—Controversy respecting the officers of the customs—Disputes on the subject of writs of assistance—and on making gold a tender. - - - 73

CHAP. V.

Bill for making gold a tender passed—Salaries of the Judges of the Superiour Court reduced—Mr. Bolla dismissed, and Jasper Mauduit, Esq. appointed agent—Attempt to exclude the Judges of the Superiour Court from a seat in the Legislature—Arguments on the subject—Military events—Debate between the Governor and House respecting the employment of the armed provincial sloop. - - - 107

CHAP. VI.

Peace in 1763—Enmity of parties—Ecclesiastical dispute—Plan for taxing the Colonies—Acts of trade enforced—Proceedings of the House of Representatives thereupon—Indian war—Instructions to the Agent against taxing the Colonies and enforcing the acts of trade—Harvard-Hall burnt. - - - 129

CHAP. VII.

Act for raising a revenue in the Colonies passed—Opinions and arguments of the opposite parties on the subject—Objections of the House of Representatives contained in their instructions to their agent—Committee chosen to write to the Assemblies of the other Colonies—Measures resorted to by the people: association for the non-consumption of British, and encouragement of their own, manufactures—Governor repeatedly prorogues the General Court—Clamours against him—Petition of the General Court to the House of Commons. - - - 153

CONTENTS.

vii

CHAP. VIII.

Dispute between the Council and House respecting the form of passing a resolve—Extraordinary grant to the Chief Justice carried by one vote only—Richard Jackson, jun. chosen agent in the room of Mr. Mauduit—Stamp act passed—Proceedings of the House of Representatives—Meeting of a General Congress at New-York recommended—Delegates chosen in Massachusetts—Observations on the ministerial pretences of taxing the Colonies, published at New-York—Resolutions of the Virginia Assembly—Acts of the people—Riots in Boston—Lieutenant-Governor Hutchinson's house destroyed. - 192

CHAP. IX.

Unfinished 221



CONTINUATION OF THE HISTORY
OF THE
PROVINCE
OF
MASSACHUSETTS BAY.

VOL. II.

CHAP. I.

Military Council held at Boston—Number of the troops raised in the several Colonies of New-England, for the year 1757—Death of Lieutenant-Governor Phips—Governor Pownall arrives—Fort William Henry taken by the French—Controversy between Lord Loudoun and the government of Massachusetts respecting the right of quartering troops—General Court pass a bankrupt act—Adverse state of affairs at the close of the year 1757.

THE discovery of America, which stimulated genius to so many efforts in the useful arts, and so widely extended the benefits of
VOL. II. B commerce, 1757.

commerce, increased also a thirst for dominion, and the destructive consequences of war. The two great rival nations of Europe, after measuring their strength for centuries, by regular contests in their own neighbourhood, where the history of every post was the key to its strength, and detailed the risk and manner of subduing it, were now hazarding the contest on a very different ground,—in a country so little explored, as to make it extremely difficult to operate systematically, and too recently settled to afford a just calculation of its strength. How to preserve what had been acquired, and how to encroach upon a hostile territory, became the favourite science of ambition, and engaged the talents of the ablest ministers in Europe ; whilst the scene of action invited military enterprise to display its ingenuity in surmounting the natural obstructions of a wilderness, and in engaging the alliance of the wavering natives. In a struggle conducted at so great a distance, and under such circumstances of uncertainty, it was not to be expected that a plan of action could be struck out, either permanent in its principles, or decisive in its advantages. The great Commoner of England,
now

now introduced at the head of the ministry, with that masculine force of genius, which exalted his administration, determined to act offensively against the French, and to meet them in Canada. To forward his system, he resolved to support the Colonies with an ample force, to banish all jealousy arising from narrow ideas of compensation, and to direct the national strength into the channel, where it most readily inclined to flow and rise to its summit, by the operations of the navy. The effects of his counsels, however, were not to be immediately realized. Another year was destined to crown the arms of France with exultation, flattering indeed for a time, but the presage of her final chagrin and ruin in America,

The internal arrangements among the British Colonies for prosecuting the war were taken into consideration at an early period. The annual military Council, having been once held at Alexandria, and afterwards at New-York, was this year convened at Boston. Lord Loudoun, arriving there on the nineteenth of January, was received by Governors Lawrence from Nova-Scotia, Fitch from Connecticut, Hopkins from Rhode-Island,

Rhode-Island, and, in the absence of the Governor of Massachusetts, by a commission from that Province : this was filled by Thomas Hutchinson the future Governor, William Brattle, Thomas Hubbard, John Otis, and — Welles, Esquires.

The Commander in Chief addressed the Council in a speech, exculpating himself, and ascribing the misfortunes of the last year to neglect in omitting to inform the ministry of the Crown-Point expedition, with which they had not been made acquainted, as late as the 17th of May, the day on which he left England, although it had been resolved on by the General Assembly of Massachusetts Bay on the 16th of February ;—to the number of forces being less than had been agreed on, and the troops being inferior to those of former years, which had obliged him to join them to the regulars ;—to the difficulties he met with in connecting these different bodies of troops, before he could effect which, the news of the capture of Oswego and other possessions on the lakes arrived ;—to the true state and circumstances of the forts and garrisons there not being represented to him by his predecessor ;—

predecessor ;—to his call for aid not being attended to otherwise than by votes of assemblies, which effected nothing, until the arrival of the Highlanders, with whom he was enabled to reinforce the provincials, and by that means, to save them from an attack, and probably a defeat ; and so the whole country from being laid open.

He proposed a contribution from the Colonies of New-England of 4000 men only, which he conceived they could not think much of, considering the expense of the crown in supporting so many troops for their defence ; and he gave assurances that they should be employed in such service, as might be most congenial to their habits.

Thus were the governments of New-England exhorted to their duty by a reproach upon their past services ; and their troops undervalued to exalt the reputation of the foreign regulars, without considering that the only brilliant achievements during this war had been effected where the provincials alone opposed the enemy, or were aided in a very trifling degree by the king's troops ; and that success had as yet reced-
ed

ed from the English arms, almost in a direct proportion, as the latter had been introduced to the service.

It having been settled that the troops were to be supplied with provisions, ammunition, and artillery stores at the expense of the crown, and that they were to serve for one year, without local restriction as to any particular part of the continent, the commissioners agreed to raise the number required. A difficulty sprung up, as had happened, in fact, for several years past, respecting the proportions of the respective Colonies. Massachusetts laboured under a much greater burthen for the defence of the frontiers than any other Colony. Eight hundred men were employed by her in this service beside three hundred in vessels of war. This consideration out of the question, her quota of men amounted to seventeen hundred and fifty. These the commissioners dared not make an absolute agreement to raise, but undertook to recommend it. Lord Loudon, little pleased at separate propositions from any Colony, urged another apportionment on his own authority; and at his motion, it was settled, that Massachusetts should
raise

raise 1800 men, Connecticut 1400, Rhode-Island 450, and New-Hampshire 350, to be mustered by the 25th day of March. He likewise proposed many particular arrangements: that the men should be raised in companies of 120, including four commissioned officers; that there should be one officer to command from each Colony, who might convey the orders of the Commander in Chief to his troops; that offences not of a heinous nature, should be tried by provincial officers alone, and higher crimes by them and regular officers conjoined, with various other regulations.

Whilst the plan for raising and forwarding the forces was in execution, the Hon. Spencer Phips, Esq. Lieutenant-Governor and Commander in Chief of the Province, died at Cambridge, by which the executive branch of the government devolved upon the major part of the Council, according to the Constitution. He was born of parents in private life, and was adopted by and made heir to Sir William Phips, the first governor of the Province, under its last charter. He rose through successive offices to that of Lieutenant-Governor in the year 1732;

April 4.

1732; and continued to hold it without interruption, acting several times as Commander in Chief, until his death. He is characterized as a prudent, diligent, faithful, upright man in the various stations which he sustained.* It is said that Governor Shirley's discountenancing his being present in Council, when not elected a member of that body, gave him a disgust, and led him to much retirement, and an aversion to the display of his office upon other occasions.

The Council proceeded in the necessary affairs of the government, and having raised all the men required by Lord Loudoun, effected their march, under the command of Col. Joseph Frye, to the place of rendezvous, though not without great difficulty, from the want of money.† A letter
was

* Dr. Appleton's Sermon on his death.

† The establishment for the pay of the forces was as follows:

A R M Y.

	£.	s.	d.
Colonel, - - - per month,	18	0	0
Lieutenant Colonel, - - -	15	0	0
Major, - - - - -	12	0	0
Captain, - - - - -	8	0	0
First and Second Lieutenant, - - -	5	0	0
Ensign, - - - - -	3	10	0
Chaplain, - - - - -	6	8	0

was received from Mr. Bollan, informing of the appointment of Thomas Pownall, Esq. to the government of the Province ; which induced

	A R M Y.	£.	s.	d.
Surgeon, - - - per month,		10	0	0
Surgeon's Mate, - - -		5	6	8
Sergeant, - - -		2	3	1
Corporal, - - -		1	18	7
Drummer, - - -		1	18	7
Private, - - -		1	16	0
Commissary, - - -		8	0	0

To the first Officer over the forces, in addition to Colonel's pay, for his table, - - -

		100	0	0
His Secretary, - - -		8	0	0
Surgeon General, - - -		14	0	0
His Mate, - - -		5	11	0

N A V Y.

Captain, - - - per month,		8	0	0
Lieutenant, - - -		5	0	0
Master, - - -		4	0	0
Pilot, - - -		4	0	0
Chaplain, - - -		3	10	0
Mate, - - -		3	0	0
Carpenter, - - -		3	0	0
Gunner, - - -		3	0	0
Boatswain, - - -		3	0	0
Cobper, - - -		2	10	0
Armourer, - - -		2	10	0
Coxswain, - - -		2	10	0
Boatswain's Mate, - - -		2	5	0
Steward, - - -		2	5	0
Cook, - - -		2	5	0
Quarter-Master, - - -		2	5	0
Seaman, - - -		2	0	0

induced the Council to determine upon postponing important business until his arrival, and to recommend to the House to take measures for his reception.

Governor Pownall had been private secretary to Sir Danvers Osborne, Governor of New-York; and was at this time Lieutenant-Governor of the Province of New-Jersey. His brother, John Pownall, Esq. was one of the secretaries to the lords of trade, and had great influence on American affairs. When he first came over to the country, he was received into a confidential connexion with Governor Shirley, who sent him to the government of New-York for the purpose of soliciting their concurrence in the plan against Crown-Point: yet he could not forget his disappointment, occasioned by a refusal of his request to be admitted into the Council at Alexandria, and he ranged himself in opposition to his friend, adhering to the party of Lieutenant-Governor De Lancey and Sir William Johnson, who laboured for Shirley's dismissal: report adds that he anticipated the communications of his patron to the ministry as originating from himself. It is highly probable
from

Review of
the military
operations
in North
America,
&c. 1758.

from his connexions and prospects, that he considered his appointment to this government as a temporary measure, introductive of further promotion, and subservient to personal views. However this might have been, he entered into the cause of the country with spirit ; and if he displayed his own merit in his account of transactions conducted under his administration, they were not the less promotive of the public interest. He went over to England in the latter end of the year 1756, immediately after the dispatches containing the plan of operations for the next campaign ; and is said to have solicited a large reinforcement of troops for the prosecution of the war in America. With these he returned, after impressing a favourable opinion on the mind of the agent of the General Court, by the strongest assurances of his determinations to promote the prosperity of the Province, and by expressing the highest regard for its liberties and charter privileges.

Pownall's
Administration of the
British Colonies.

Bollan's
M. S. Letter, March
12, 1757.

The fleet in which he embarked and which brought the forces, with George Lord Viscount Howe, to Halifax, was commanded by Admiral Holbourn. After touching
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ing at that place Governor Pownall arrived at Boston on the 3d of August, when his commission was publickly read.

The addressees were not less numerous, nor less flattering perhaps, than upon any former occasion of the same nature. In a few days he performed the ceremony of taking possession of Castle William. The garrison was then commanded by Sir William Pepperell, who, upon presenting the keys, and observing that *that* fortress was the key of the Province, gave the Governor an agreeable opportunity of complimenting this conqueror of Louisbourg: "The interest of the Province," he replied, "is in your heart; I shall therefore be always glad to see the keys of it in your hands."

Bost. Gazet.

The commencement of Governor Pownall's administration happened at the most inauspicious period of the war. The enemy, after having made a very formidable, though unsuccessful, attack on Fort William Henry in the month of March, advanced again in the month of July, previously to the reinforcing army of the English reaching the continent, with about 9000 regular

lar and irregular troops, and invested the fort on the third of August.

General Webb, the commander, perceiving the motions of the enemy towards him, sent from Fort Edward for the immediate reinforcement of the additional number of men which was to be furnished in case of emergency. The Governor, although he had arrived only a few days in the Province, immediately ordered forward the troop and horse, and put a fourth part of the militia under the command of Sir William Pepperell as Lieutenant-General of the Province, with orders to assemble the troops at Springfield and garrison the frontiers; or, if expedient, with *their exsuit* (which was made necessary by the charter, the General Court not being in session otherwise to give authority) to send off reinforcements where required. He gave orders also to form a magazine at the place of rendezvous; and if the enemy should approach the frontiers, to order the wheels to be struck off from all waggons west of Connecticut River; to drive off all horses, to order in all provisions that could be brought away, and to destroy the remainder.

Col.

Col. Munroe, who commanded the garrison at Fort William Henry, consisting of between 2000 and 3000 regulars, resisted the enemy with spirit, until the 9th of August, when several cannon having been burst, and the ammunition much exhausted without great effect, a capitulation was entered into, by which the garrison was allowed to march out with the honours of war, and to be protected against the Indians, until within the reach of the English at Fort Edward. The breach of this capitulation, whether voluntary or unavoidable on the part of the French, was a most interesting subject of reproach at the time, and long continued to fill the British Colonists with indignation and horror. A great part of the prisoners were pillaged and stripped, and many of them murdered by the savages. Some reached Fort Edward in a scattering manner, and others returned again to the French. The consequences of this surrender by the loss of ordnance, ammunition, provisions, the shipping on Lake George, and above all, the respect of the Indians, was truly disastrous.

Such was the arrangement of the regular forces that this formidable invasion was only
to

to be repelled by mustering the militia, which was necessarily a slow operation. From Massachusetts Worthington's, Williams's, Ruggles's and Chandler's regiments marched under the orders aforementioned; and the service was so generally and zealously entered into, as to leave the western part of the Province in a weak and dangerous state in case of an attack. The enemy not proceeding against Fort Edward, the march of the militia was accompanied with no other effect than the operation which it may have had in conjunction with other causes to prevent so important a blow.

Whilst the French were about moving in such force against the forts at the westward, Lord Loudoun and Sir Charles Hardy embarked at New-York with 6000 men upon an expedition against Louisbourg from Halifax. This attempt, undertaken at so much expense to the trade of the Colonies by means of an embargo which it occasioned, and to the arms and honour of the nations, it was at last agreed from the increased strength of the French at Louisbourg, to postpone to the next year; and notwithstanding the Province of Nova-Scotia was galled

M. S. Letters from
Gen. Webb,
Capt. G.
Christie,
Gov. Pownall and others on the
files of the
Gen. Court.

Bollan's Letter to Pitt,
May 4,
1758.

galled by the French, who fled from the New-England troops in the year 1755 from the mouth of the River St. John, and up the Petjecojack, where they had made a fixed stand; and were always ready to join either Indians or Canadians for the purpose of invading the English settlements, yet without attempting even to dislodge them, on the 31st of August the commanders returned to New-York to realize the triumph of the French. They brought with them such a body of troops as, at an earlier period, might have prevented it, but which could now effect nothing more than to save expense, by dismissing the provincials, excepting a few companies of rangers.

Notwithstanding Lord Loudoun had contended little with the enemy in the field; yet he was much embarrassed by a controversy which he entered into with the government of Massachusetts, and which must have been less grateful to a military commander than a conflict with the sword. The subject of the dispute was on the right of quartering troops. Upon information from the Governor, that a regiment of Highlanders was expected in Boston, the
General

General Court provided barracks for the accommodation of 1000 men at Castle-Island, not as an expence which could *of right* be demanded of the inhabitants, but as an advance of money on the national account. Soon afterwards several officers arrived from Nova-Scotia to recruit their regiments, which could not be done, if they were to be lodged in the barracks at the Castle. They made application to the Justices of the Peace to quarter and billet them, as provided by act of Parliament ; but met with a refusal, on the principle, no doubt, that the act did not extend to this country. In consequence of this Lord Loudoun sent a letter (Nov. 15, 1757) insisting peremptorily on the right demanded, as the act for quartering did, in his opinion, extend to America, and every part of his Majesty's dominions, where the necessities of the people should oblige him to send those troops, either for the defence of those dominions, or the protection of his subjects. After descanting largely on the question, he concluded in the following decisive manner : That having used gentleness, patience, and confuted their arguments without effect, they

they having returned to their first mistaken plan, their not complying would lay him under the necessity of taking measures to prevent the whole continent from being thrown into confusion. As nothing was wanting to set things right, but the Justices doing their duty (for no act of the Assembly was necessary or wanting for it) he had ordered the messenger to remain only 48 hours in Boston; and if, on his return, he found things not settled, he would instantly order into Boston the three battalions from New-York, Long-Island, and Connecticut; and, if more were wanting, he had two in the Jerseys at hand, beside those in Pennsylvania. As public business obliged him to take another rout, he had no more time left to settle this material affair, and must take the necessary steps before his departure, in case they were not done by themselves.

What an honourable employment would it have been for a British army, when the enemy was beating them from their outposts, to have made a retrograde march upon the Colonists, whom they came to protect, and whose levies and militia in fact protected *them*, in order to establish the right of recruiting

recruiting officers to be billeted upon the inhabitants of Boston under an act of Parliament !

The General Court passed a law. This law was short of Lord Loudoun's expectations, which he failed not to communicate by a letter, which the Governor laid before the Assembly. They answered it by an address to his Excellency, in which the spirit of their forefathers seemed to revive. They again asserted that the parts of the act of Parliament relating to this subject did not extend to the Colonies and Plantations ; and that they had therefore enlarged the barracks at the Castle to accommodate the number recommended, and passed a law for recruiting parties as near the act of Parliament, as the nature of the country and its settlements would admit : that such a law was necessary to give power to the magistrates, and they were willing to make it, when the troops were necessary for their protection and defence. They asserted their natural rights as Englishmen : that by the royal charter, the powers and privileges of civil government were granted to them : that the enjoyment of these was their support

port under all burdens, and would animate them to resist an invading enemy to the last breath, as their loss or hazard would dispirit them. If their adherence to these rights and privileges in any measure lessened the esteem which his Lordship had conceived for them, it would be their great misfortune ; but that they would have the satisfaction of reflecting, that both in their words and actions they had been governed by a sense of duty to his Majesty and faithfulness to the trust committed to them. This address being forwarded with assurances from the Governor, Lord Loudoun affected to rely on them for making the matter of quarters easy in future. He countermanded the march of the troops, and condescended to make some conciliatory observations respecting the zeal of the Province in his Majesty's service. For these he received a very ample return by a message from the two Houses to the Governor, wherein they explained their law to have been made not to enforce an act of Parliament, but to supply measures in a case where it did not reach them : That they were willing by a due exercise of the powers of civil government, to remove as much as might be all pretence of
the

the necessity of military government. Such measures they were sure would never be disapproved of by the Parliament of Great-Britain, *their dependence upon which they never had a thought of lessening*: That the authority of all acts of Parliament, which concerned the Colonies and extended to them, were ever acknowledged in all courts of law, and made the rule of all judicial proceedings in the Province; that there was not a member of the General Court, nor did they know of an inhabitant within the bounds of the government, who ever questioned this authority.

To prevent any ill consequences that might arise from their holding such principles, they then utterly disavowed them, as they should readily have done at any time past, had there been occasion for it: and they prayed that his Lordship might be acquainted therewith, that they might appear in a true light, and that no impressions might remain to their disadvantage.

So condescending was the termination of a dispute, which seemed to rise to haughtiness and asperity on one part, and to zeal and

and independence on the other. Mutual interest, without doubt, conducted it to this channel. After being worsted on the frontiers, and baffled in a projected expedition against Louisbourg, Lord Loudoun would have made a lamentable end of his command, by continuing a controversy with the principal Colony in the war upon a constitutional question, which perhaps could not have been settled with less difficulty, than those of a like nature in preceding times: whilst the Province on the other hand was not unmindful of the necessity which it was under, to conduct on every subject in such a manner as not to forfeit the expected reimbursement from the Parliament.

The Governor had not any agreeable communications to make to the General Court, upon his convening them in the middle of August. He shewed that the controversy between France and Great-Britain was no longer on the question of boundaries, but involved the fate of the two governments: that on the Colonies the fleets greatly depended; and on the naval dominion of the mother country depended her freedom, and the existence of these her Colonies

onies as a people. He laid before them evidence to shew the circumstances of the country, when he arrived in it, the disastrous events which afterwards took place, and the subsequent measures which he pursued : and communicated also Mr. Secretary Pitt's and Vice-Admiral Holbourn's views of the necessary aid to the navy.

The military arrangements for the year having already been made, and the season being too far advanced to admit of entering on any additional plan of operations, little seemed to be left for the legislature to do for remedying the misfortunes which had happened. They strengthened the scouting parties on the frontiers, and provided quarters at Castle William for 1000 Highlanders, who were expected from England. With respect to the Governor, after a congratulatory address from each House, they granted £300 to defray the charge of transporting his equipage, and the usual sum of £1300 for his support. The distresses brought upon the Province by the war had deranged and ruined the affairs of so many persons in trade, that the General Court found it necessary to pass a bankrupt act,
subject

subject however, as will be hereafter more fully observed, to the negative of the King, by the general reservation in the charter. The session was closed by a message to the Governor respecting the provision which had been made for quartering troops, in which it was observed, that there were certain limits which the people would not be able to exceed ; and unless his Majesty would be graciously pleased to cause a part of the great sums which had been advanced, and for which the Province was in debt, to be reimbursed, that it would be impossible for the government to contribute to the war in the proportion which it had already done.

Another session was held in November, when darkness seemed to be wholly spread around the political horizon. The enemy possessed almost every post ; they were masters of the communication through the whole continent ; and having an ascendancy over the Indians, by means of their intimate alliances with them, might be said to command the country. All that could be opposed to such an adverse state of affairs was recommended by the Governor : to
cover

cover the frontiers : to make the necessary laws for rendering the militia a real defence : to examine into the resources of the country ; and to regulate trade on the principles of industry and economy. As to offensive measures, he observed, that he knew they would be useless, and advised the General Court to save the strength, to collect the force, and to treasure up the money of the Province, until God should call them out one and all, to wreak his vengeance on the breakers of the peace, the French in Canada.

The Assembly aiming at a system of defence by the old approved plan of a union, voted to send expresses to each of the New-England governments to meet by commissioners at Boston to concert measures for their mutual protection under such imminent danger. This plan, as will be mentioned in the events of the next year, was checked and defeated, upon principles somewhat similar to those of 1754 : and a better security was realized in the economical management of the public finances, which, upon the settlement of accounts, left a balance of more than £92,000 in the Province treasury, after discharging the ordinary expenses.

Although a detail of the Indian warfare, from the peculiar horror which it inspires, be highly interesting to the people of the time in which it may happen, yet to subsequent generations, when the importance of transactions is measured by their real consequences, it becomes tedious and trifling. Faithfulness, however, to the undertaking which we have begun, requires that we should not wholly omit the relation of these events. We shall therefore observe in short, that the Indians on the frontiers discovered this year, their usual lurking spirit of mischief, and not without receiving chastisement. They communicated with the fort at St. George's, by flags of truce, in such numbers as excited the apprehensions of the commander. He therefore previously to the proposed return of a large party, sent out twenty men in the night time, who came upon a body of the Indians, and firing ensued on both sides. In the result the garrison came off with a scalp, having one man only slightly wounded.

C H A P. II.

*Louisbourg taken by General Amherst 1758—
 Fort Frontenac taken by Col. Bradstreet—
 French evacuate Fort Du Quesne—Unsuccessful
 attack on Ticonderoga—Death of
 Lord Viscount Howe—General Court of
 Massachusetts erect a monument to his mem-
 ory—Attempt of the French on the fort at
 George's defeated—Bankrupt law disap-
 proved by the King—Plan of military ope-
 rations for the year 1759—Number of
 troops voted to be raised in Massachusetts—
 Message to the Governor, stating the cir-
 cumstances of the Province—Fort Pownall
 on Penobscot river erected—Success of the
 British arms in Canada.*

THE gloom, which hung over the public affairs in the winter of 1757, seemed to be dissipating at the preparations for the ensuing year. The chagrin and indignation excited at so many unsuccessful campaigns roused the courage of the people, and martialled the strength of the British nation, so as to mature it for action, and command
 that

1758.

that crisis which turned the future course of the war in their favour. The supplies, which the French designed to send for the support of their troops in Canada, were, in some instances, blocked up in their ports at home, and in others, captured at sea. Admiral Boscawen arrived early at Halifax with a fleet, carrying about 12,000 land forces, commanded by General Amherst with the aid of General Wolfe, to invest Louisbourg. The troops of the last year formed an army of 10,000 men, headed by Major General Abercrombie, who succeeded Lord Loudoun as Commander in Chief, to advance against Ticonderoga. An army of 5000 proceeded in the tract of the unfortunate Braddock, with better auspices, against Fort Du Quesne, under General Forbes: and, in order to give vigour to the combined operations of the regulars and provincials, the distinctions between their officers were taken away.

The spirit of the mother country was successfully rivalled in the Colonies. On the receipt of Mr. Pitt's letter, the General Court of Massachusetts unanimously voted to augment their men to 7000, the whole
number

number required, of whom 6925 actually marched into the field, notwithstanding the large proportion of artificers, seamen, and others, which they had already furnished for the service. They also promised each man, in addition to his pay and bounty, £10 upon his return, provided Canada should be reduced. A subscription, which had been opened for encouraging enlistments, was run up to near £20,000 in less than twenty-four hours. The regiments were completed early in the month of May. The transports for carrying the troops to Halifax were manned and prepared for sailing in about fifteen days after they were engaged. In short, near one third of the effective men of the Province were in military service in some mode or other: and all this zeal was manifested after the most depressing disappointments, and a burden in taxes, which is said to have been so great in the capital, as to equal two thirds of the income of the real estates.

Bost. Gaz.

Gen. Court
Records:

The attention of the whole country was now drawn towards Louisbourg, the field in which the arms of New-England had reaped so much honour in the last war.

On

On the 28th of May Admiral Boscawen sailed from Halifax with a large fleet, and an army under the command of General Amherst, to invest and capture this fortress. He arrived in two days, and the landing of the forces, in which the New-England troops did honour to themselves and their country, was effected on the 8th of June. The garrison surrendered as prisoners of war on the 27th of July, after losing upwards of 1500 men, and beholding the city almost an heap of ruins. General Amherst embarked with about thirty transports, filled with the victorious troops, and encamped on the common in Boston, the latter end of August, on his march, which he pursued after three days' rest, to the western forts. The extraordinary rejoicings in England at this victory, seemed to revive the honour of the northern British Colonies, as the former conquerors of Cape Breton. The trophies taken were brought in procession from Kensington to St. Paul's, and a form of thanksgiving was ordered to be used in all the churches.

Gov. Lawrence's Let.

Bost. Gaz.

The success of the English arms did not terminate in the taking of Louisbourg. Col. Bradstreet being detached by General Abercrombie

Abercrombie with 3000 men, of whom only 155 were regulars, took the important fort of Cadariqui or Frontenac, and the French evacuated Fort Du Quesne on the Ohio, after a battle with an advanced party of General Forbes's army. Still however, Ticonderoga, the great object of New-England's efforts, remained to scourge the country. An attack upon the enemy's lines there proved unsuccessful, at the expense of 1608 regulars and 334 provincials, who were either killed or taken. Among the individuals, who fell in this ineffectual expedition of General Abercrombie, none was more lamented than Lord Viscount Howe, to whose services and military virtues the General Court paid a respectful tribute, by granting £250 sterling for erecting a monument to his memory.*

The

* This monument was opened in Westminster-Abbey. The following is the description of it. On the top is a trophy of arms in fine white marble; and on a flat pyramid of black marble, are his Lordship's arms, coronet and crest in white marble. On the top of the monument sits the figure of a woman in a melancholy position, representing the Province of Massachusetts Bay, and under it is the following inscription: The Province of Massachusetts Bay, in New-England, by an order of the Great and General Court, bearing date Feb. 1st, 1759, caused this monument

The force of the English being generally irresistible, where it operated in its full strength, the French made attempts to distress the frontiers, which were uncovered by means of the more distant operations. Uniting themselves with the Indians of St. John's and Penobscot, they planned an attack upon the fort and settlements at George's. Governor Pownall being made acquainted with this design, and having at command some men, who were intended to be joined with the western forces, immediately embarked with them ; and took the necessary quantity of stores and ammunition on board the Province ship King George and the sloop Massachusetts. These troops he threw into the fort most opportunely ; as, on the day after he left it, the attack was actually made by about 400 of the enemy : but from these expeditious and spirited measures,

Aug. 14.

to be erected to the memory of George Augustus, Lord Viscount Howe, Brigadier-General of his Majesty's forces in America, who was slain July 6, 1758, on his march to Ticonderoga, in the 34th year of his age ; in testimony of the sense they had of his services and military virtues, and of the affection their officers and soldiers bore to his command. He lived respected and beloved ; the public regretted his loss ; to his family it is irreparable.

Gent. Mag. July, 1762.

ures, the garrison was so well prepared to receive them, that they were unable to make any impresson. This service was acknowledged in grateful terms by the General Court, and was thought of so highly by Mr. Pitt, as to induce him to assure the Governor, that his activity and diligence in it had met with the King's most particular approbation.

Gazette.
Pownall's
Speech.
Pitt's M. S.
Letter.

This attempt upon the fort at George's together with an attack equally unsuccessful upon a small fort at Colrain, and another at Medumcook where eight men were killed or captured, appears to constitute the whole exertions of the Indians on the frontiers the present year.

In the legal history of a commercial country, the fortune of the only bankrupt law, which could ever be obtained, becomes a matter of curiosity. This law, having been laid before the King for the royal approbation, agreeably to the charter, was referred to the lords of trade. After mature consideration, they gave it as their opinion, that although a bankrupt law be just and equitable upon its abstract principle, yet it had
always

always been found in its execution to afford such opportunities for fraudulent practices, that even in England, where, in most cases, the whole number of creditors were resident on the spot, it might well be doubted, whether the fair trader did not receive more detriment than benefit from such a law. But that if a like law should take place in a Colony, where (as they were informed) not above one tenth part of its creditors were resident, and where that small proportion of the whole, both in number and value, might (as under the present act they might) upon a commission being issued, get possession of the bankrupt's effects, and proceed and make a dividend before the merchants in England, who made the other nine tenths of the bankrupt's creditors, could even be informed of such bankruptcy, it was easy to foresee, that such a law could be beneficial to the very small part of the creditors resident in the Colony only, and that the rest of them, who resided in England, would be exposed to frauds and difficulties of every sort, and might be greatly injured in their properties; and, for these reasons that the act should forthwith receive his Majesty's disallowance. This opinion prevailed,

prevailed, and the law was accordingly disapproved by the King, to the great inconvenience of many debtors, who had actually surrendered their effects under it. The General Court were under a necessity of interfering in their behalf, by ordering the actions brought against them to be continued until the beginning of the year 1761, when a law was made for finishing such commissions, as had been commenced during the existence of the late rejected act, providing remedy for bankrupts and their creditors.

If a sense of shame and defeat excited a spirit of exertion in Great-Britain the last year, the success which had followed gave an extended operation and renewed vigour to her efforts in one thousand seven hundred and fifty nine. A plan was pursued to assail the French in America, in every direction, and by a connexion of all the parts to transfuse the effect of the success, which could not well fail to happen in some quarter, throughout the whole system. The destruction of the enemies' post at Ticonderoga, so unsuccessfully attacked by General Abercrombie, was assigned to 12,000 men under
General

General Amherst, with a view of piercing into Canada by the Lakes George and Champlain and the River Sorell down to Quebec. The capture of this city, by advancing up the St. Lawrence, was assigned to an army of about 9000 men, under the command of General Wolfe, and a fleet under Admiral Saunders. The important pass at Niagara, which is the throat of the north-western division of the American Continent, was assigned to Brigadier General Prideaux, with the aid of Sir William Johnson, who commanded the provincials and Indians.

The Colonists, young and exhausted, could not keep pace with the parent country in a war now protracted to a fifth campaign, without a more prompt and punctual aid of money than she had afforded them. The compensation granted to the Province of Massachusetts Bay, for provisions furnished to the King's troops in the year 1756, had not been remitted; the exertions of 1757 were never noticed; nor had the vast and disproportionate expenses of the last year been as yet, in any degree, reimbursed. The delays and precarious decisions of the public offices in apportioning the grants, and deliver-
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ing the money, when apportioned, gave disgust and discouragement. Add to this, that the strong expectation of the strenuous effort in the preceding season being conclusive, greatly abated the effect of the success which actually ensued.

When therefore the Governor recited to the General Court his proceedings in the last year, the promise, in their answer, to engage in further measures, was coupled with an intimation of their reliance on the King's bounty for relief. At the next session which was held in the month of March, he stated to them that the kingdom of Great-Britain, at an unbounded expense, and by the most vigorous efforts, was resolved to protect and maintain *the cause of its Colonies*; and his Majesty was determined to make a final decision of this contest with the enemy in America: that compensation had been made, and would be made, for this year's services, even in that which was peculiarly their own cause; that he had acquainted his Majesty with their address, shewing their readiness to aid in promoting his service to the utmost of their abilities: that this was a crisis whether the French usurpations should

should be erected into a kingdom, or whether the British empire in America, should be established on a solid and lasting basis, which would depend on the taking of Canada, or being frustrated in the attempt.

Notwithstanding this forcible and interesting display of the King's views, the General Court, at present, voted to raise only 5000 men, and subjoined to the vote their reasons for raising no more, founded on the distresses of the Province by means of the former disproportionate levies, many of the inhabitants being engaged as rangers and batteau-men, and the weight of the debt incurred, which was so great as to render it extremely difficult to procure money for further service. In these reasons the Governor acquiesced for the present, expecting that they would raise such additional numbers as might be requisite in the course of the year, and granted a recess until after the time assigned for raising the levies, upon the General Court's assurances, that they would exert themselves to the utmost that the state of the government would admit. Before the next session letters arrived from General Amherst, informing that an expedition up
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the St. Lawrence was intended, which would take away a part of the garrison of Louifbourg, and that this was to be replaced by a battalion of provincials of not less than 1000 men, to remain until the end of the campaign ; and that it would be necessary that a body of provincials also should join what might remain of the King's regular troops for the protection of Halifax, the Province of Nova-Scotia, and the bay of Fundy for the same time. The General also added that the abilities of the Province certainly exceeded 5000 men, and hoped that the Court would consider the matter further, as this expedition must, in all human probability, put an end to the war, and compensation had been promised by the Secretary of State, in case they should do their best.

These letters produced a vote for raising 1500 additional men, which was accompanied with a message to the Governor, stating the circumstances of the Province so particularly, as to render it too useful an historical paper to be abridged. It was as follows :

“ The several reasons and motives which your Excellency has from time to time laid
before

before the two Houses, in order to induce an augmentation of the forces for the service of the present year, have been maturely weighed and considered by us.

“ We have likewise had an opportunity, in the recess of the Court, of acquainting ourselves with the state of the several parts of the Province, and its ability for raising an additional number of men. We acknowledge with gratitude, that the interest and ease of the people has been consulted by your Excellency in making the last levy, as far as could consist with his Majesty's service, and the purposes for which the men are raised. The distress brought upon the inhabitants is notwithstanding extremely great. The number of men raised this year, we are sensible, is not equal to that of the last. The Assembly then made the greatest effort that has ever been known in the Province. They looked upon it to be their last effort; they had no expectations that it could be repeated, and it was really so great as to render it impracticable for us to make the like a second time. The number of our inhabitants is since then much lessened: some were killed in battle; many died by sickness,

sickness, while they were in service, or soon after their return home : great numbers have enlisted as rangers, artificers, recruits in his Majesty's regular forces, and for other branches of the service.

“ The unprecedented charge of the last year also tends to increase the distress of the Province. The expense of the regiments raised for his Majesty's service amounted to near one hundred and twenty thousand pounds sterling : besides this, the inhabitants of the several towns in the Province, by fines, or by voluntary contributions to procure men for the service, paid at least sixty thousand pounds sterling more ; which is in all respects as burdensome, as if it had been raised as a tax by the government. The defence of our own frontiers, and the other ordinary charges of government, amount to at least thirty thousand pounds sterling more.

“ Because the Province last year raised seven thousand men, it is inferred that it is able to raise the same number this, and no allowance is made for its being so much reduced in its estate and number of inhabitants.

“ We have generally been the first in proposals for public service, and have determined what force we would employ : other governments have followed after us in just what proportion they pleased ; and we wish it had been an equal one. We are now lessened, and they are increased ; and we are yet urged to continue the same proportions. We have always chosen to avoid entering into the consideration of quotas or proportions, but we seem now obliged to do it. We conceive that in order to determine a just proportion, the wealth, the number of inhabitants, and the charges of each government for its immediate defence, are all to come under consideration. If this be allowed to be a just rule to determine by, we are sure, that not only in all past years, but in this present year also, we have done more in proportion to the general service, than any one government upon the continent.

“ We know of no quota settled for each Colony : the agreement made at Albany by the commissioners in the year 1754, has been generally urged as a rule of proportion since that time. But it was agreed by the same commissioners, that regard should always

ways be had to the special services of any Colony for its immediate defence. We are obliged to keep six hundred men in pay in defence of our frontiers and sea coasts. This charge some of the other governments are wholly free from, and the rest subject to in a very small degree. Exclusive of the six hundred men aforesaid, we have already raised five thousand men for the general service. Connecticut has raised in proportion to the five thousand only according to the Albany plan, without any regard to the six hundred. Every other government falls short even of that ; so that we have this year already done more in proportion than any of our neighbours.

“ We are told that we are the leading Province : we have been so for many years past ; and we have been as long unequally burdened. We have borne it patiently, although we have seen our inhabitants leaving us, and removing to other governments to live more free from taxes ; and a few years ago for this reason alone, four of our principal towns refused any longer to submit to our jurisdiction, and another government found

found a pretence for receiving them, and they are not yet returned to us.

“Under these distresses, we are still willing to afford every reasonable aid in our power. A further impress would distress and discourage the people to such a degree, that as well in faithfulness to the service, as to the particular interest of this Province, we are bound to decline it. But great as our burdens are, we have now engaged a bounty more than double what has ever yet been given by the Province, in order to procure a voluntary enlistment of fifteen hundred men over and above the five thousand already raised; and we have reason to hope that this bounty will be sufficient, and have the effect your Excellency desires.”

The river of Penobscot offering an important passage into the Atlantic Ocean which might be seized by the French, and becoming also a natural rout for the Indians into the Province since the fortifying of the river St. John, Governor Pownall thought it a fortunate occasion to take possession of that country, and to secure it by erecting a fort. In executing this service he happily
availed

availed himself of the aid both of the crown and the Province, and notwithstanding the pressure of the public burdens, and the great complaints that existed in Massachusetts relative to the erecting and maintaining of forts, he received the thanks of the General Court, for the manner in which he economized the public money. He first procured the consent of General Amherst to reimburse the expense of erecting this fortress, and that the men to be employed in the work should be reckoned as a part of the number voted to be raised for the army. The General Court then granted 400 troops to take possession of the country, ordering at the same time, that the forts at St. George's and Pemaquid should be dismantled at the peace.

With this force the Governor repaired in person to Penobscot, and completed his work without opposition. He sent to the tribe of Indians to inform them of his purpose, and to invite them to defend their land, if they intended it. He told them that should they kill an Englishman in future, they should be forced to fly from the country, which he would sweep from one end to the other, and hunt them all out. That he
fought

sought not their favour, but pitied their distresses, and that if they would become English, and live near the fort, he would protect them, assign them planting ground, and permit them to hunt as usual. After this he returned without any remarkable event taking place, excepting the loss of Brigadier General Waldo by a natural death.

The cost of the fort amounted to £4969 17s. 2d. The Governor shewed that the same men who were employed in it, had they joined the army in general, would have cost £1803 10s. 4d. more. Upon which the House voted him their thanks for his wise measures in securing the country of Penobscot; and justly pronounced Fort Pownall to be, as he had called it, the best and least expensive fortress of any that had been erected in the Province. The troops at Brunswick and Pemaquid, and the scouting parties at the lodgments on the western frontiers were now dismissed, and a garrison of 100 men voted for Fort Pownall. The Court also granted £200 to the Governor, in addition to the usual salary of £1300, for his extraordinary services on this and other occasions.

The distant and important operations in Canada almost wholly relieved the suffering inhabitants of the frontiers of the Province, and indeed by a train of successes, gave a pledge of the future ease and security which was about to spread over all the British Colonies. The fall of Crown-Point, Ticonderoga, Niagara, and, above all, the capture of Quebec, closed the year with universal rejoicing and well founded hope that the toils of war would shortly cease throughout the land.

C H A P. III.

Number of troops voted to be raised in the Province for the year 1760—Great fire in Boston—Peace concluded with the Penobscot Indians—Popularity of Governor Pownall—Embarks for England—Controversy between the Council and House respecting the mode of passing the Treasurer's accounts—Reasoning of Mr. Agent Bollan on the rule for apportioning the grants of Parliament among the several Colonies.

1760.

NOTWITHSTANDING the fruits of victory began to ripen at the capture of Quebec, yet great exertions were supposed to be necessary to ensure a full harvest to the British arms in the next campaign, as the French still remained in force in Canada, and had nearly retrieved the loss of their capital. Governor Pownall, wrought up with the eager and just expectation that the blow so forcibly struck would be decisive, if immediately followed by another, without allowing the enemy an interval of relief, made use of his influence with the usual success to lead the General Court into the earliest

liest preparations for raising their proportion of the army. The Province already supplied troops to defend Louisbourg, Halifax, and Lunenburg, and entirely garrisoned Annapolis, Fort Cumberland at Chignecto, and Fort Frederick at St. John's. For the encouragement of these, four pounds were voted for each private, and one month's wages to each officer who remained in garrison after the first of November; the pay of the whole was to be continued until the first of May following; and in order to reconcile them to so long an absence on duty, they were promised a discharge as soon as the season would admit. A bounty of nine pounds was then voted for every man, to the number of five thousand, who would enlist for another campaign: And these terms received great weight from the high credit of the Treasury, which had been replenished by a remittance of upward of £20,000 reimbursement money, and was managed with the exactest economy. These measures anticipated the King's wishes, as expressed in Mr. Pitt's letter communicated at the next session, in which he observed that his Majesty, having nothing at heart so much

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as to improve the great and important advantages gained the last campaign, expected that they would make provision for the levy, pay, and clothing of at least as large a body of men, as they then did, and even as many more as the number of inhabitants might allow ; and that to encourage it, strong recommendations would be made to Parliament next year, to grant a proper compensation for such expenses, according as the active vigour and strenuous efforts of the respective Provinces should appear justly to merit.

In the midst of the burdens and distresses of the war, there happened the greatest misfortune of its kind ever known in the capital, by the conflagration still denominated the Great Fire, which raged so violently as, in about four hours, to destroy nearly a tenth part of the town. It began by accident in that quarter of Cornhill, which is opposite to Williams's court, and not only swept away the buildings in that direction to the water, but, widening to the southward, and taking in the lower part of Milk-street, it extended to Fort-Hill and the South-Battery, and then turning upon King-street ran from the corner opposite to the Bunch of Grapes Tavern,

Tavern, and destroyed the buildings on the south side of that street, almost down to the Long Wharf. There were consumed 174 dwelling houses, 175 warehouses and other buildings, with large quantities of merchandize, furniture, and tools, the value of which amounted to £71,112 7s. 3d. and 220 families were turned upon their neighbours for shelter. The circumstances of the town had, before this, been a just subject for legislative assistance, from a great inequality of the taxes owing to the long continuance of the rule of valuation then in use, by which Boston was set at £170 in the thousand. Such had been the increase of the settlements and population of the Province in about nine years since this rule had been established, that trading towns had arisen to share the profits of commerce with the capital, in places where forests then stood ; and in some instances the number of the polls in new townships was so great, as to pay their whole proportion of the tax to the exemption of the estates. Partial relief only having been given to the town under this grievance, its claim upon the General Court in the present calamity became irresistible. A brief was granted to collect money by
voluntary

voluntary contribution throughout the Province; and for the immediate relief of the poor, £3000 was allowed out of the excise, £1100 was also remitted to the inhabitants by way of abatement of their taxes; a loan to the town of £3500 was continued, and at the next session, a petition to the King in its behalf was agreed on, and committed to the patronage of the Governor. The Assembly of New-York passed an act for granting the sufferers £2500, which was carried into effect, and the government of Pennsylvania gave £1500 for the same charitable purpose. In short the donations from one quarter and another amounted to the sum of £17,756 15s. 8d. Benevolence was followed by justice, and the next year the town was reduced in the apportionment of taxes to £112 in the thousand.

Journals.
Petition of
the town.
Selectmen's
Records.

As Governor Pownall arrived in the Province at the most gloomy state of the war, so he had the good fortune, before his departure from it, to find the success of the British arms established, and the fruits of victory in some measure realized.

The eastern Indians, who are the mere dependants upon the fortunes of the great contending

contending powers, began to surrender, as the arms of the French declined. Among these the Penobscots, who were situated within the bounds of Massachusetts, experienced the final decline of their powers as a warlike tribe. The increasing spirit of national hostility, or some other cause had rendered hopeless all prospect of satisfaction for the slaughter of their countrymen in the year 1755, Capt. Cargill having been tried for murder and found not guilty, and about the same time received with another person £600 from the public treasury for killing two other Indians in Penobscot Bay. The effects of war upon their population had been so great as to reduce them to five sachems and seventy-three warriors; and they now felt an irresistible check upon them by the erection of the fort at the mouth of their river. Under these depressed circumstances they sent deputies to settle a peace at Boston. The terms were such as their condition invited. Acknowledging themselves to be subjects of the King of Great-Britain, they confessed their rebellion, and the forfeiture of their lands in consequence of it. They received as a favour the privilege of hunting upon them, and otherwise

Sup. Court's
Records.
June Term
1755, at
York.

April 9.

otherwise using such parts as should be assigned for that purpose. They promised to dwell near Fort Pownall. They relinquished all alliance with the French, and engaged to deliver up future offenders to be tried by the laws of the Province.

Governor Pownall being appointed to the command of South-Carolina, with a more advantageous salary, he prepared to return to England with permission, previously to his entering upon the duties of his new commission. His administration had been short, but extremely successful. He saw the prevailing feelings and habits of the people, and realizing that his future advancement might depend much upon the reputation which he might acquire in Massachusetts, he accommodated his measures to them with such address, that he was even exempted from exceptions to appearances in his personal conduct, which would have been highly censurable, according to the strict notions of the times, in a less favourite character. The savings of the public money, which he made by his exertions, rendered him justly popular in a Province, where the want of affluence could be supplied

plied only by industry. He effected this by the greatest attention to the dispatch of public business, which shortened the sessions of the General Court, and of course reduced the drafts on the treasury for the pay of the members. He lessened the advances of the Province by uniting with them the allowance of the crown for milage money to the soldiers; and his manner of building the fort at Penobscot was a master-piece of political economy. He associated with an easy condescension, amongst those leaders in the capital, who generally directed the voice of the multitude, whilst he indulged his natural gaiety in the politer circles of fashion and pleasure. The importance of his connexions, and his supposed influence in England, had great weight with those, to whom the public affairs of the Province were particularly intrusted; and indeed in his future parliamentary conduct he shewed himself not unmindful of this respect. The concerns of the war kept nearly out of sight the great controversial points respecting rights and prerogative, on which the General Court and former Governors usually divided; and when they came up, as once happened in the case of stationing troops on
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the frontiers, he yielded to a spirit which it had cost so much to subdue on similar occasions, and which he was not ill adapted to manage by apparent concessions. It was the height of his good fortune that the British arms prevailed beyond all rational calculation, which cast a lustre on his exertions in the military department, and gave an exultation to the people, that naturally elevated their immediate rulers in their view. The extent of his influence with the members of the Legislature is evidenced by their respectful addresses and by a compliment which the majority of the House paid him by offering him a passage to England in the provincial frigate, which they had assigned for bringing over the reimbursement money granted by Parliament, although it was the only vessel of force that was left to protect the trade. This proposal however, was shewn in a remonstrance of the merchants to the Council, to be so hostile to commerce, and so extravagant as it respected the freight of the public money, that the project was given up, by the Governor's declining the offer and taking passage in a private ship. When he embarked, both Houses attended him in a body to his barge, and every ceremony

June 3d.

mony was adopted which could leave a favourable impression on his mind.

To those who are curious in tracing the parliamentary history of the Province, and the manner in which the constitutional rights of the several branches of the Legislature were settled under the charter, it may not be displeasing to sketch a controversy respecting the mode of passing the Treasurer's accounts, which terminated at this period. These accounts, having been laid before the House, were referred to a committee of their own: upon a report being made, the House voted to accept it, and that the accounts be allowed. The Council, agreeing to allow the accounts, concurred in the vote with an amendment, which was to expunge the acceptance of the report of the committee, they not having had any concern in the commitment, nor any privity with a committee of the House. In this the House unanimously non-concurred; and thus, under the appearance of mere form, the two branches of the General Court were at issue upon their respective rights, as will be more fully shewn in the
recital

recital of their arguments. The Council declared that they had nothing in view but to preserve order and their known established rights : that if an order of the whole Legislature were necessary for the Treasurer's discharge, and a due settlement of his accounts, and the Council were to be considered as one branch of the Legislature, they chose to see with their own eyes, and not with the eyes of a committee of the House : that the practice had been both ways through inadvertency ; and if the House thought that they had a right alone to discharge the Treasurer, there was no propriety in sending the accounts to the Board.

To this the House replied, that their proceedings were agreeable to usage, a few instances of inadvertency excepted : that true it was that the order of the whole Court was necessary for the Treasurer's discharge, but the late practice of the Board of a special examination of the Treasurer's accounts was novel, *and not within the rights belonging to them either as the King's Council or as one branch of the Legislature* : that the House challenged as their special rights and privileges the sole modelling of all laws, for
imposing

imposing taxes on the people for the defence and support of government ; and had power also to inquire into and judge of the uses and occasions, for which monies were demanded and given and to appropriate the same, and to inquire into the applications, and censure the misapplications thereof ; and that by the British constitution those powers and privileges were hereditary to the Representatives of the people : and they apprehended that the Board had no right in those cases to amend the doings of the House, but absolutely to assent to, or dissent from them : that the Board could not but be sensible that in all bills for levying money, the House had challenged and preserved their right of the sole modelling of the same ; and that there was the same reason that they should have the like power of inquiring into applications of the monies raised upon the people : that the House knew of no other proper method of their making such an inquiry but by a committee of their own, and consequently no proper method of their passing the Treasurer's accounts, but by an acceptance of the report of such a committee, and passing a resolve thereon.

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The Council rejoined that the House mistook their intentions. Their exception related merely to the form of the vote ; and therefore the answer of the House urging their right to originate and frame all laws for imposing taxes, to judge of the uses for which all monies were granted, and to appropriate all such monies as they think fit, were entirely out of the question : that the Board had no right to amend the votes of the House in the cases mentioned, was neither acceded nor denied, as there was no occasion to determine it, it being irrelative to the case in dispute : that the application of the public money was made by the Governor with the advice and consent of the Council : that the House would not send a vote respecting an inquiry into such application to the Board for their concurrence : that the examination into the Treasurer's accounts, and an inquiry how far he had discharged himself was quite a distinct thing from the other inquiry. In order to determine this, the House allowed a vote of the whole Legislature to be necessary ; and indeed there was no more pretence for the House to assume an exclusive right of examining the accounts of the Province Treasurer,

urer, than the account of the Province Agent, or of any committee, or of any person or persons whatsoever employed by the government in any public trust: that perhaps the right of the House to any share in passing upon the Treasurer's accounts was derived entirely from the act of the Province made in the 8th year of King William, which provided that such accounts should be laid before the General Assembly, for their examination, approbation, and allowance, but gave no precedence to the House of Representatives more than to any other branch of the Assembly: that there was nothing in the nature of these accounts to distinguish them from all other accounts, which were passed on by the Governor with the advice and consent of the Council: that precedents were both ways, but were not of much consequence in this case; they ought to be reduced to reason and propriety of proceeding, and not the reverse: that in order to concur or non-concur (a right which the House admitted) it was necessary to acquire knowledge by their own examination: that if they were to do this by a committee of the House, they might be considered as mere machines of the House, which they did

did not intend to submit to : that they were extremely anxious to act in concert with the House ; but if nothing better could be done, they should be under the necessity of framing a vote separate, determining how far the accounts ought to be approved and allowed, and to let it avail as far as it could.

The merits of this dispute were finally determined to lie with the Council, the House passing the Treasurer's accounts by a vote without reference to the report of their committee, and the Council concurring. This issue however was not obtained until the delay was made an exception, and threatened to affect the pecuniary concerns of the Province in England.

Lieutenant-Governor Hutchinson was now left in the command of the Province for a short time, during which the important measures for raising the army were continued with the usual assiduity, the prudential concerns of the Province were carefully arranged and methodized, and a conciliatory disposition prevailed amongst the several branches of the government.

From instructions to Mr. Bollan, now again after much opposition, elected to the
agency

agency of the Province, it appears that many particular affairs in England still remained unsatisfied. These arose from the expense of the troops detained at Louisbourg and Nova-Scotia, which was occasioned by the capture of Quebec ; the support of the French neutrals ; the services of the sailors employed in the River St. Lawrence on board the fleet ; the cannon taken from Castle-William to Crown-Point, and the demands against New-Hampshire for the support of Fort Dummer and Number Four, and defending its frontier. Beside which the Agent was directed to endeavour to procure a more favourable rule for apportioning the parliamentary grant, to effect the establishment of the boundary line of New-York, and the restoration of the revolted towns received by Connecticut.

In order to account for the solicitude of the General Court on the subject of the rule for apportioning the grants of Parliament, as well as to shew the nature of the connexion among the British Colonies, and the ground perhaps of the opinion which prevailed in subsequent years, of the impossibility of their effectual union, it will be useful to give the reasoning of Mr. Bollan upon the case. He
contended

contended that the apportioning of the £200,000 granted this year, by the numbers of men raised in the several Colonies and marched into the field was unjust upon the following principles. Virginia voted 2000 men and mustered 1868. Massachusetts voted 7000 men and mustered 6500. The expense of the Colonies according to the best of his judgment was about £350,000; wherefore the sum to be granted being equal to $\frac{4}{7}$ ths of the expense, if the rule proposed for distribution be followed, Virginia would bear only $\frac{3}{7}$ th parts of the expense of 1868 men, whilst Massachusetts would bear $\frac{3}{7}$ th parts of the expense of 7000. And thus Massachusetts, whose expense duly proved according to former rules amounts to £110,000 sterling, in consequence of its raising the greater number of men for the public service, will be left to bear the expense of about £47,000, whilst Virginia would be left to bear the expense of about £13,000, supposing their expenses to be the same man for man. If these Colonies were equal in all other respects, this rule would be repugnant to the grant and act of Parliament: but Virginia really contained a greater number of inhabitants than Massachusetts, and was a more wealthy Colony.

C H A P. IV.

Governor Bernard arrives—System of colonial administration adopted by the British ministers—Parties in the Province—Controversy respecting the officers of the customs—Disputes on the subject of writs of assistance—and on making gold a tender.

THE government of Francis Bernard in Massachusetts Bay stands amongst the most interesting periods of American history. It was contrasted with that of his predecessor, as much by the prosperous state of public affairs at its commencement, as by the distracted and unhappy condition of the people at its termination. It was the confine of a new order of things. Since the year 1754, and indeed since the last peace, a common object of apprehension and attack had combined the British empire with its various dependencies. The enemy was now subdued in Canada, and with them that deadly foe, who had infested the borders of the Colonies from that quarter with murder and pillage since their original settlement.

tlement. This was supposed to operate like a new charter of civil and religious privileges to the people; and to withdraw with danger and the war that restraint upon their pretensions, which these had hitherto effected. Thus after the victory so long, so hardly fought, had been obtained, reflection stepped in to poison success, and to distract all the preconceived enjoyments and advantages of conquest. What, it was suggested, is to prevent the loss of all which we have contended to preserve, and which we have added to our dominions, by the overruling spirit of independence? When the enemy, which we have vanquished, hung over the borders of our Colonies, they naturally flew to us for protection. Their religion, affections, and interests threw them into our arms, and secured them in our power. But the removal of danger changes the tone of their feelings, and must undermine their relations towards us. The natural progress of nations to political manhood is regulated not merely by time, but by various adventitious circumstances, and, in this view, we have hastened their maturity many centuries.

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Since the event, which has so fully justified these apprehensions, it seems as if arguments were wanting to oppose them. Perhaps they were allayed at the time by the example and policy of Spain towards South-America, which was cited. The charm, it was said, by which a nation was to govern its Colonies, consisted in not allowing them to keep up a military or a marine force. British Governors, civil officers, garrisons, and ships of war, were to be relied upon to secure a country, which, it was supposed, would not be *peopled* for many centuries. This security would also be strengthened by hereditary rivalries and animosities amongst the several settlements, which would effectually prevent their uniting against the parent country. Finally, when this plan of government should be exhausted in its operation, the interest of Great-Britain consisted rather in the independence of her Colonies, than in their union with France by conquest, which, in the course of events, might happen, if French subjects continued in their neighbourhood. In the first case the natural trade of Britain with them would continue to mutual benefit ; in the last, so great a force would be added to the power
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of her rival, as might enable France to realize the plan of her insatiable ambition founded on universal empire.

Such being the apprehensions and predictions of the parent country, we shall find the system of colonial administration regulated by them, and the conduct of all the officers exhibiting their influence. We are not therefore to look only at the particular characters of these for the explanation of future affairs. Events might be accelerated or retarded by the personal wishes and feelings of individual agents ; but the cause of the great convulsion, which ensued, was founded in the inflexible system, which ministers imposed on the throne.

August 4.

Governor Bernard, on his first appearance in the Province seemed not to lie under any unfavourable impression in the view of the people. He had governed the Province of New-Jersey so acceptably, as to make his advancement to Massachusetts to be esteemed a just reward for his services. In his introductory address to the General Court, he spoke of his obligations not only to preserve the rights of the people as British subjects,

August 13.

but

but their particular privileges granted to them by the royal charters. The successful state of public affairs gave him an opportunity of remarking upon the peculiar happiness of the times, when all parties were united, and even the voice of faction was silenced ; when the sovereign was acknowledged to be the maintainer of the privileges of his subjects, and the people were become the supporters of the prerogatives of the crown. The House, in their answer, joined in extolling the happiness of the times, and in connexion with the wisdom and power of the sovereign, failed not to applaud the British constitution, so long allowed to exceed all others, and now exceeding itself.

The times were indeed signalized with fortunate events. On the first of September information was received that the French army, who had besieged General Murray in Quebec, and threatened to reverse the victory of Wolfe, was obliged to retire from that city ; and soon afterwards arrived the account of Montreal and the rest of Canada surrendering to General Amherst on the eighth of that month. The exultation at these events was but little checked by the
loss

loss of Fort Loudoun ; and the death of the King, which threw a shade of melancholy on the close of the year, was soon effaced by the promising character of the English-born successor to the crown.

1761.

Whatever might have been the opinions or views of Governor Bernard upon coming to the chair, affairs were approaching to that crisis, which placed him on unequivocal ground. There had long existed in the Province a division between the advocates for the crown and the defenders of popular rights. Shirley, as has been mentioned, balanced these parties with good fortune. Pownall, partly perhaps from his love of liberty, and partly from the necessity of managing the war with success, which could be done only by standing well with the General Court, was cautious in his connexions with the friends of the prerogative, and rather courted the leaders of his opponents. One of these reasons may not have existed so strongly in the breast of Governor Bernard ; and the other was lessening in its operation from the eventual success of the war. He was therefore classed on the side of those who were for strengthening the
royal

royal authority in America, and for adopting the various plans of revenue and prerogative which were so seriously attempted in future years. This party naturally consisted of all those officers, who were appointed by and dependant upon the King, and many expectants who grew out of the promising system of raising a tax to be expended in America. Lieutenant-Governor Hutchinson was at their head both in rank and importance; and by means of the death of Stephen Sewall, Esq. the Chief Justice of the Province was now raised to that important office, which enabled him to commence with greater advantage that agency in the public affairs of these times, and the future revolution of the country, which was so conspicuous, influential, and finally unfortunate.*

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* His commission as Lieutenant-Governor was published on the first day of June, 1758, and was the last in the Province that was renewed after the demise of the crown, owing, as he seems to have supposed, to the misrepresentations of his character made by his enemies to the Earl of Halifax. (M. S. letter-book.) These he found means effectually to obviate, and to unite more offices than were ever filled by one person before: holding the places of Lieutenant-Governor, a Counsellor, Chief Justice of the Superiour Court and *Judge of Probate for the County of Suffolk* at the same time.

The subject devoted to commence the disputes between Governor Bernard and the General Court sprung out of this division. A rooted aversion subsisted between the officers of the customs in the port of Boston, and the people concerned in the foreign trade of the Province. The duty of those officers was odious in itself; and a zeal to merit the approbation of the ministry, and to accumulate wealth, induced them to exercise a rigour in enforcing the commercial laws, which added much to the hatred necessarily connected with their business. The antipathy became personal; and the execution of the laws appeared like the triumph of private revenge. Loud and frequent complaints arose, that a severity was used to carry into effect grievous regulations of trade, which in other Colonies were suffered to be evaded from a conviction of their unreasonableness, and the impracticability of their being generally enforced. The abuses in the department of the revenue, and the notoriety of the fact, that after all the oppression used in the collecting of it, none of the avails reached the exchequer, naturally led the merchants to scrutinize the proceedings of the commissioners. It appeared

peared that in cases, where one third of the forfeiture accrued to the Province, large sums had been allowed out of it to private informers, and exorbitant fees taxed for attornies and other uses, contrary to a law of the Province of *the present year*, stating the fees of the Custom-House officers. This abuse was represented to the General Court by a memorial from a number of respectable merchants, who were heard by their council, and a committee having reported that in six cases of trial in the Court of Vice-Admiralty, the Province was illegally and unjustly kept out of £475 9s. 11d. in the manner above-mentioned, and that the Treasurer should be empowered to demand, (and if unpaid for one month) to sue for this money in a course of law, their report was accepted by a general vote of both Houses.

This threw the Custom-House officers upon the Governor, whose negative to the resolution was the first stage of their defence. He objected to it upon the ground, that the forfeitures were a part of his Majesty's revenue granted to him by act of Parliament, and must therefore be sued for according to
law.

law. By this it was the duty of the Treasurer to receive and issue the King's money ; and of the Attorney-General to sue for and recover it. That as the resolution, standing as it did, would amount to altering an act of Parliament, it would, if passed, have no other effect than his incurring the King's displeasure for mismanaging the revenue contrary to law, against his positive orders. He therefore desired them to reconsider the resolution, and if they would remove this difficulty, he would give his assent to it.

The House appear to have understood, that delivering the prosecution into the hands of the Attorney-General was either consigning it to oblivion, or confirming by a judicial decision all the abuses which had been practised. They therefore replied, that they were far from apprehending that a resolution of the General Court could alter an act of Parliament : that every act of the Court was voidable, because it might be disallowed by his Majesty ; and every act repugnant to an act of Parliament, extending to the plantations, was, *ipso facto*, null and void ; nor was it in their hearts to desire the Governor to make the least infrac-
tion

tion upon the King's prerogative, relative to his Majesty's revenue, nor to govern contrary to his orders, against law : that all they were solicitous for was to recover the money (to use the Governor's own words) *due to the treasury of this Province*, upon account of the seizures made pursuant to the act of 5th of George II. which his Excellency apprehended might be sued for by the Attorney-General only : that the money was the Province's, and not in any sense the King's, when the Parliament had granted it to the Province, unless its being granted to his Majesty for the use of the Province makes it a grant to his Majesty's use. But the grants of money made by the General Assembly were always to his Majesty for the use of the Province, in the same manner as the grant made by the aforementioned act of Parliament of one third of the goods seized and forfeited was for the support of this government ; and if all the revenue of the Province must be sued for by the King's Attorney, and through his hands (if ever) paid unto the Receiver-General of the Province, it might make his office very lucrative to him, but most dangerous to the government, and grievous to the subject. The
Receiver-

Receiver-General only had heretofore done it, and by virtue of an act of the Assembly to which there never was any objection made by the Governor or the King: that they should be extremely grieved to go out of this old way, and try one which was never gone into before, and from which it was easy to foresee that many and great inconveniencies and mischiefs would arise to the Province. For if the Attorney-General, who was not chosen by the people, should be wicked enough to keep, or lavish enough to spend, the money thus received for the Province, what method could be devised to get it from him, since upon the Governor's argument, no one could sue him but himself. Cases might happen, where (differing in sentiment from other gentlemen in the profession, and from the General Assembly) he might be obliged to bring an action against his own opinion, which would be hard upon him and unsafe for the Province: that none of these objections lay against the Treasurer, who was annually chosen by the people, and was under bonds for his fidelity: that it would be surprising that this money being the Province's, the Province could not maintain an action and employ whom they

they thought best, since in all popular statutes, where a forfeiture was to the King and the informer, the latter, unless positively restricted by the act, might prosecute in the common law courts and in the Court of Admiralty, as well for himself as the King, and the informer chooses what attorney he pleases to manage the suit : that, on the whole, they could not reconsider the resolution, and hoped that they had removed the Governor's difficulties, so as that he could assent to it.

The Governor however said, that he did not feel his doubts satisfied, insisting in his reply, that although the money was to be applied to the use of the Province, yet, until it was received, it was due to the King : that by the common law of England, the King could sue and be sued no otherwise than by the Attorney-General : that the statute in question being an act of Parliament, must be executed according to that law, and to appoint a different method of executing it was to alter the act, which they could not control, as they might an act of the Province : that the Treasurer had no power to sue, except what arose from the
words

words of the act under which he sued ; and no such power was given by this act : that it was not his intention that the Attorney-General should *receive* the public money, but that he should *sue for it*, as in England, and that the Treasurer should receive the amount of the judgment. As to bringing an action against his own opinion, in such case the Attorney-General must support it by the best arguments he could : that it was his desire that the action should be brought, as they ought to be satisfied respecting it, their only difference was about the mode. Therefore to end the disquisition, as they seemed so very desirous that their method should be pursued, and his consent could not prejudice the King's rights otherwise than by precedent, against which he had sufficiently guarded by his messages ; and the act by their own concession must have its effect, and the Council having advised him to wave his opinion, he consented to the resolution, hoping that they would not require of him such another proof of his great desire of preserving a good understanding with them.

The acquiescence of the Governor in this resolution was probably induced from the security,

security, which the Custom-House officers felt in the opinion of the judicial department on such a point of law, as they intended to raise in this case. An action was brought by the Treasurer in pursuance of the resolution of the General Court, and a plea in abatement made by Mr. Paxton, the defendant. This was overruled in the Inferiour Court, and a judgment given in a verdict against him ; but on the appeal, the Superiour Court sustained his plea and he recovered judgment against the Treasurer, not without a conviction in the minds of the Judges of the injury done the Province, but from the want of authority to call in question the jurisdiction of the Admiralty. The result of this case must have tended greatly to increase the animosity which existed between the contending parties in the Province. And about the same time and from the same principles and feelings, arose another important dispute upon the subject of writs of assistance. One of the Custom-House officers petitioned the Superiour Court of Judicature, stating that as they could not fully exercise their offices in such a manner as his Majesty's service, and the laws in such case require, that Court would
grant

Supr. Court
Records.
Paxton vs.
Grey.
Hutchin-
son's M. S.
Let. Book.

grant writs of assistance, to aid them in the execution of their duty, according to the usage of the Court of Exchequer in Great-Britain. Mr. Gridley, as King's Attorney, maintained the legality of this writ, as well on the practice of the Exchequer, as on that of the Superiour Court of the Province. The practice in England was supported by statutes of 12th and 14th Charles II. and by 6th Anne, which continues all processes and writs after the demise of the crown, and writs of assistance amongst the rest. The authority of the Superiour Court to grant this writ was founded on the statute of 7th and 8th of William III. which enacted that all the officers for collecting and managing his Majesty's revenue, and inspecting the plantation trade in any of the plantations, should have the same powers, &c. as are provided for the officers of the revenue in England ; also to enter houses or warehouses to search for and seize any such goods, and that the *like assistance* should be given to the said officers, as is the custom in England. This could be no otherwise done than by writ under the seal of that Court, since writs from the Court of Exchequer could not run here : and by a law
of

of the Province, this Court was appointed with cognizance of all pleas, &c. as fully as the Court of King's Bench, Common Pleas, and Exchequer in England. "It is true," said Mr. Gridley, "the common privileges of Englishmen are taken away in this case, but even their privileges are not such in cases of crime and fine. It is the necessity of the case, and the benefit of the revenue that justifies this writ. Is not the revenue the sole support of fleets and armies abroad, and ministers at home, without which the nation could neither be preserved from the invasions of her foes, nor the tumults of her own subjects? Is not this, I say, infinitely more important than the imprisonment of thieves or even murderers? Yet in these cases, it is agreed, that houses may be broke open. In fine, the power now under consideration is the same with that given by the law of this Province to treasurers towards collectors, and to them towards the subject. A collector may, when he pleases, distrain my goods and chattels, and in want of them, arrest my person, and throw me instantly into gaol. What! shall my property

2d William
III. Chap. iii.

erty be wrested from me? Shall my liberty be destroyed by a collector for a debt adjudged, without the common indulgence and lenity of the law? So it is established; and the necessity of having public taxes effectually and speedily collected is of infinitely greater moment to the whole, than the liberty of any individual."

Mr. Thacher, an eminent lawyer, being ordered by the Court to search for precedents, reported that he found no such writ in the ancient books: that the most material question was, whether the practice of the Exchequer was good ground for this Court. But this Court had, upon a solemn argument which lasted a whole day, renounced the chance of jurisdiction, which the Exchequer had in cases where either party was the King's debtor. In England all informations of uncustomed or prohibited goods were in the Exchequer; so that the Custom-House officers, were the officers of that court, under the eye and discretion of the Barons, and so accountable for any wanton exercise of power. The writ now prayed for was not returnable. If the seizures were so before their Honours, and this Court should inquire

inquire into them, they would often find a wanton exercise of power. In England they seized at their peril, even with probable cause.

Mr. Otis appeared for the inhabitants of Boston, who had presented a counter-petition. As his plea discloses several curious facts, presents a striking picture of the spirit of the times, and in some measure portrays the manner of that ardent patriot and well-read lawyer, we shall insert more at large such minutes as we possess; lamenting that we cannot recover at this day many elegant rhetorical touches and weighty arguments, which were unavoidably omitted.

May it please your Honours,

I was desired by one of the Court to look into the books, and consider the question now before them concerning writs of assistance. I have accordingly considered it, and now appear not only in obedience to your order, but likewise in behalf of the inhabitants of this town, who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare, that whether under a fee or not (for in such a cause as this I despise a fee)

I will

I will to my dying day oppose with all the powers and faculties God has given me, all such instruments of slavery on the one hand, and villany on the other, as this writ of assistance is.

It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law-book. I must therefore beg your Honours' patience and attention to the whole range of an argument, that may perhaps appear uncommon in many things, as well as to points of learning that are more remote and unusual; that the whole tendency of my design may the more easily be perceived, the conclusions better descend, and the force of them be better felt. I shall not think much of my pains in this cause, as I engaged in it from principle. I was solicited to argue this cause as Advocate-General; and because I would not, I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounced that office, and I argue this cause from the same principle; and I argue it with the greater pleasure, as it is in favour of British

ish liberty, at a time when we hear the greatest monarch upon earth declaring from his throne that he glories in the name of Briton, and that the privileges of his people are dearer to him than the most valuable prerogatives of his crown : and as it is in opposition to a kind of power, the exercise of which, in former periods of English history, cost one King of England his head, and another his throne. I have taken more pains in this cause, than I ever will take again, although my engaging in this and another popular cause has raised much resentment. But I think I can sincerely declare, that I cheerfully submit myself to every odious name for conscience' sake ; and from my soul I despise all those, whose guilt, malice, or folly has made them my foes. Let the consequences be what they will, I am determined to proceed. The only principles of public conduct, that are worthy of a gentleman or a man, are to sacrifice estate, ease, health, and applause, and even life, to the sacred calls of his country. These manly sentiments, in private life, make the good citizen ; in public life, the patriot and the hero. I do not say, that when brought to the test, I shall be invincible. I pray God I may never be brought

brought to the melancholy trial : but if ever I should, it will be then known how far I can reduce to practice principles, which I know to be founded in truth. In the mean time I will proceed to the subject of this writ.

In the first place, may it please your Honours, I will admit that writs of one kind may be legal ; that is, special writs, directed to special officers, and to search certain houses, &c. specially set forth in the writ, may be granted by the Court of Exchequer at home, upon oath made before the Lord Treasurer by the person who asks it, that he suspects such goods to be concealed in those very places he desires to search. The act of 14th Charles II. which Mr. Gridley mentions, proves this. And in this light the writ appears like a warrant from a Justice of the Peace to search for stolen goods. Your Honours will find in the old books concerning the office of a Justice of the Peace, precedents of general warrants to search suspected houses. But in more modern books you will find only special warrants to search such and such houses specially named, in which the complainant has before sworn that
he

he suspects his goods are concealed ; and you will find it adjudged that special warrants only are legal. In the same manner I rely on it, that the writ prayed for in this petition, being general, is illegal. It is a power, that places the liberty of every man in the hands of every petty officer. I say I admit that special writs of assistance, to search special places, may be granted to certain persons on oath ; but I deny that the writ now prayed for can be granted, for I beg leave to make some observations on the writ itself, before I proceed to other acts of Parliament. In the first place, the writ is universal, being directed “ to all and singular Justices, Sheriffs, Constables, and all other officers and subjects ;” so that, in short, it is directed to every subject in the the King’s dominions. Every one with this writ may be a tyrant : if this commission be legal, a tyrant in a legal manner also may control, imprison, or murder any one within the realm. In the next place, it is perpetual : there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him, until the trump of the arch-angel shall excite
different

different emotions in his soul. In the third place, a person with this writ, in the day time, may enter all houses, shops, &c. at will, and command all to assist him. Fourthly, by this writ not only deputies, &c. but even their menial servants are allowed to lord it over us. What is this but to have the curse of Canaan with a witness on us; to be the servant of servants, the most despicable of God's creation? Now one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-House officers may enter our houses, when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and every thing in their way: and whether they break through malice or revenge, no man, no court, can inquire. Bare suspicion without oath is sufficient. This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Mr. Pew had one of these writs, and when Mr. Ware succeeded him, he endorsed this writ over to

Mr.

Mr. Ware : so that these writs are negotiable from one officer to another ; and so your Honours have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this : Mr. Justice Wally had called this same Mr. Ware before him by a constable to answer for a breach of sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, Yes. Well then, said Mr. Ware, I will shew you a little of my power. I command you to permit me to search your house for uncustomed goods ; and went on to search his house from the garret to the cellar ; and then served the constable in the same manner. But to shew another absurdity in this writ, if it should be established, I insist upon it every person by the 14th Charles II. has this power as well as Custom-House officers. The words are, “ it shall be lawful for any person or persons authorized,” &c. What a scene does this open ! Every man prompted by revenge, ill humour, or wantonness to inspect the inside of his neighbour’s house, may get a writ of assistance. Others will ask it from
self-defence ;

self-defence ; one arbitrary exertion will provoke another, until society be involved in tumult and in blood.

Again, these writs are not returned. Writs in their nature are temporary things. When the purposes for which they are issued are answered, they exist no more, but these live forever : no one can be called to account. Thus reason and the constitution are both against this writ. Let us see what authority there is for it. Not more than one instance can be found of it in all our law-books ; and that was in the zenith of arbitrary power, viz. in the reign of Charles II. when star-chamber powers were pushed to extremity by some ignorant clerk of the Exchequer. But had this writ been in any book whatever, it would have been illegal. All precedents are under the control of the principles of law. Lord Talbot says it is better to observe these than any precedents, though in the house of lords, the last resort of the subject. No acts of Parliament can establish such a writ : though it should be made in the very words of the petition, it would be void. An act against the constitution is void. (vid. Viner.) But these
prove

prove no more than what I before observed, that special writs may be granted *on oath and probable suspicion*. The act of 7th and 8th of William III. that the officers of the plantations shall have the same powers, &c. is confined to this sense, that an officer should shew probable ground, should take his oath of it, should do this before a magistrate, and that such magistrate, if he think proper, should issue a special warrant to a constable to search the places. That of 6th Anne can prove no more."

M. S. minutes taken at the bar.

Notwithstanding these and many more arguments were enforced with a zeal peculiar to the spirit of the occasion and the manner of the pleaders, the writ of assistance was granted.

Supr. Court Records.

These disputes disturbed the public mind so much, that the Governor in his speech to the General Court in the month of June cautioned them against giving attention to declamations, tending to promote a suspicion of the civil rights of the people being in danger, which suited well in the reigns of Charles and James, but in the time of the Georges were groundless and unjust. In the
reply

reply of both Houses it was observed, that they regretted his Excellency's apprehensions that a spirit of party was prevalent among them, if so, they were utterly ignorant of it; and they could assure him that there was nothing of such a spirit in the legislative part of the community: and should it appear, that they should discourage it to the utmost of their power. That his Excellency's recommendation, to give no attention to declamations tending to promote a suspicion of the civil rights of the people being in danger, should have its weight. That it was their intention to see for themselves; and it gave them pleasure to see that the civil rights of the people were not in danger; nor were they in the least degree suspicious that they ever would be under his Excellency's administration.

Notwithstanding the agitations which had taken place amongst parties in the capital, the alarm had not as yet extended to the country at large, nor drawn into view those essential points of controversy, on which the revolution of the Colonies depended. Several internal circumstances were favourable. The reimbursement money for the year 1759, amounting

amounting to £60,634 sterling, had chiefly arrived. The requisition for men was reduced to 3000; and in the fall of the year Sir Jeffry Amherst discharged these, excepting 268 at Halifax and 323 at Crown Point, who were draughted for service during the winter. Upon the whole, the Province seems as yet to have been in that state of rest and satisfaction, which a deliverance from an hostile neighbour, and a reliance on the faith of Parliament for relieving it from the debt incurred by the war, naturally inspired. And it must astonish the political observer, that at such a moment, when the genius of the British nation may be said to have appeared and pointed to the most fatal convulsion in her history, no notice was taken of the warning. Her ministers, either distracted with the weight of the public debt, overlooked every thing but the immediate means of collecting a revenue; or, ignorant of the growth, enterprize, and advantages of the Colonists, carelessly suffered a disagreement amongst these distant subjects, which was worthy of the interposition of the highest authority, to be aggravated by the rancour and prejudice of private neighbourhood, and finally to be kindled into a flame by the contemptible

temptible spirit of party, which the interests of individuals and the domineering pride of inferiour officers engendered.

In the fall of the year a General Assembly was called in consequence of discovering that the Treasurer's notes and dollars were counterfeited, for the punishment of which offence the Governor considered the common law as very inadequate, and that there was a great defect also in its not providing a punishment for the counterfeiting of bills of exchange and notes of hand. He therefore recommended the calling in of the Treasurer's notes, and issuing others with proper checks ; and that the acts of Parliament against the forging of public and private securities should be extended to the Province.

The state of the coin in Massachusetts was peculiarly circumstanced at this time. The comparative value of gold and silver in England was such, that silver could be shipped thither from this Province with much greater profit than gold. Exchange with that country for many years past had been in favour of this, but now it was reversed. The
merchants,

merchants, having become much indebted in England, were obliged to seek for large remittances in the most advantageous way, and the causes which have been mentioned, led them to export the silver coin. The consequences of such an exportation became very serious, from the scarcity of current money which it occasioned; and, as gold was not by law a tender, it became particularly interesting to debtors; for if silver could not be procured, gold must be received in payment of demands, at such rates as creditors would assent to. These two classes of men therefore became immediate parties to the controversy which took place; they drew after them political disputants; and when the General Court assembled, the members seemed to represent their constituents in nothing more exactly than in their divisions. The calling in of the Treasurer's notes, and issuing others as a mere defensive measure against counterfeiting, was a very simple and necessary precaution. This however was connected with the question in what coin they should be made payable; and this, of course, brought on the subject of making gold a tender. All was controversy and indecision. The two Houses,
differing

differing in principle on the main point, proposed bills to each other for all the purposes mentioned in the Governor's message; mutually non-concurred in them; exchanged amendments, and as often rejected those amendments; until the Governor interfered by consenting, that at present, his recommendation should be confined to the single business of calling in and re-emitting the Treasurer's notes, and suffering the rest to stand over. But all was ineffectual. The House of Representatives insisting on making gold a tender and the Council opposing it, the court could agree in nothing excepting to dispute; and after sixteen days spent in fruitless debates, the Governor was obliged to prorogue them with exhortations, that, as the prorogation would put a legal end to all the business then pending, it might have the same effect upon their minds and memories, and free them from all bias and prejudice arising from any transactions, which had defeated the intention of the session. The parties now appealed to the tribunal of public reason. And Lieutenant-Governor Hutchinson appearing in the newspapers in favour of reducing the value of the gold coin, as an expedient to lessen
the

the motive for retaining it in the Province, and by that means to diminish the exportation of silver, Mr. Otis became a champion in the same manner for the party, who either considered gold as a legal tender, or were for making it such at the usual rate.

The manner in which the subject was handled by these writers was highly contrasted. Mr. Hutchinson was temperate and perspicuous. Mr. Otis with depth of reasoning sought to captivate the public mind, and to excite all its prejudices against the personal character of his adversary. This occasioned a medley of argument and sarcasm, so pointed and warm, that Mr. Hutchinson thought the writer would lose his friends with his temper, and had justified neglect. Of this he availed himself and omitted to make a direct reply; but in order to give more force to this management, he proceeded to write on the subject without noticing his opponent: and to this circumstance we owe a curious history of the currency. An anonymous publication also appeared in this dispute, which was attributed to Mr. Bowdoin, then a member of the

See the Ev.
Post.

the Council, who was in sentiment with Mr. Hutchinson upon this subject, and who met with similar treatment. The popular voice inclined to Mr. Otis. The dispute was soon enlarged, attracting other objects within its sphere, until the plan of the prevailing party became definite and directed to important points ; such as the expelling the Judges of the Superiour Court from the Council ; the change of the agent in England ; ameliorating the business of writs of assistance ; as well as preserving the present rates of gold, and making it a tender : so that the winter session of the General Court promised in appearance greater conflicts than had happened in the last.

CHAP. V.

Bill for making gold a tender passed—Salaries of the Judges of the Superiour Court reduced—Mr. Bollan dismissed, and Jasper Mauduit, Esq. appointed Agent—Attempt to exclude the Judges of the Superior Court from a seat in the Legislature—Arguments on the subject—Military events—Debate between the Governor and House respecting the employment of the armed provincial sloop.

THE General Assembly was called to the field of controversy early in the year of 1762; and after a slight struggle between the Council and House, victory upon the whole declared herself in favour of the Representatives. It is to be understood that the Governor had not entered zealously into the dispute about the currency, which was left very much to the management of Mr. Hutchinson; so that the approach of the Governor and the General Court to each other was the less difficult. The House passed a bill for issuing new notes, in lieu of those extant, from the Treasury, in payment

ment for which gold coin at the usual current rate was made receivable ; and another bill expressly declaring the same coin to be a tender in all cases, to both of which the Council made little opposition, and the Governor gave his consent. The good disposition discovered at this session was mutual ; for in consideration of the extraordinary services of his Excellency, the General Court granted him the island of Mount-Desert. The House however accompanied their resolution with a message, entreating that he would use his best endeavours for obtaining the King's gracious confirmation of a title to lands (of which Mount-Desert was a part) between Nova-Scotia and the River Sagadahock. The majority having thus obtained an ascendancy in the points before mentioned, they attempted to retrieve the ground, which they had lost by the decision of the Superiour Court on the subject of writs of assistance. They prepared a bill, entitled, An act for the better enabling officers of his Majesty's customs to carry the acts of trade into execution ; the substance of which was to prevent the issuing of those writs to any person but a Custom-House officer ; and that upon special information on oath, nam-

ing

ming the informer, the person supposed to own the goods, and the place where they were suspected to be concealed. But here the Governor's complaisance was checked. He refused his assent to this bill as repugnant to the laws of England, particularly the 8th of William III. Chap. xxii. It were to be wished that truth did not require it to be added, that the salaries of the Judges of the Superiour Court, having been reduced the last year, were not only granted at the same rate this session, but the extra compensation to the Chief Justice was entirely withheld.

See page 88.

After a short prorogation, the same system was pursued with partial success. Mr. Bollan who had been the agent of the Province in England, was dismissed, and Jasper Mauduit, Esq. a gentleman of very different pursuits in life, and of much less knowledge in provincial affairs, was appointed in his stead. Richard Jackson, jun. Esq. Counsellor at law for Connecticut, was joined in case of the receipt of public monies. Mr. Bollan's interest had been much shaken by Governor Pownall, who had partially associated his brother John Pownall, Secretary

tary to the board of trade, in the agency. A deduction from the reimbursement money remitted in the year 1759, and a remissness in his correspondence with the General Court had operated still more to diminish the public estimation of him. The inhabitants of Boston also, on the departure of Governor Pownall, had instructed their Representatives, upon the principle of relieving the people from the charge of wholly supporting an agent, and procuring the advantage of personal connexions, to endeavour to effect the election of some gentleman residing at or near the city of London. Mr. Mauduit came within this description ; being the brother of Israel Mauduit, Esq. who had made himself of importance to ministers by his writings and other active measures in politics ; and who was afterwards partially united in the agency. These causes, and perhaps we may add the circumstance of Mr. Bollan's being a member of the church of England, and Mr. Mauduit's being a Dissenter, placed the agent on that poise with the General Court, which, it was said, the influence of the Governor could turn either way. Affairs were now in such a state as made it inexpedient, perhaps impossible

possible, to save him from opposition, and he was dismissed from the service of the General Court, near the opening of a contest, in which his talents and legal information were well calculated to be useful, and to the aid of which he was some years afterwards recalled in the capacity of agent for the Council.

The next measure which was pursued engaged all the attention of the popular party, being founded on constitutional principles, and immediately connected with the overthrow of their greatest adversary. This was a bill for excluding the Justices of the Superiour Court from a seat in the Council or House of Representatives. The grounds of it were the incompatibility of the duties required of persons filling these offices, and the danger to the liberties of the subject from uniting the judicial and legislative powers, and, as it respected the Lieutenant-Governor, possibly the executive also, in the same hands. At the present day the reasonableness and necessity of this measure is too obvious to require explanation: yet notwithstanding the general success of those who advocated it, and the spirit with which it

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it was brought forward, it was lost for this time in the House by a majority of seven. In the course of the arguments upon this subject on the present and future occasion, the direct and respected authority of Montesquieu, as well as the reason of the case on the general principles of government, were adduced in favour of the exclusion, and were enforced by a new writer with a precision, perspicuity, and coolness well calculated to improve the advantages which his side of the question afforded, and which derived additional weight from the low sarcasm and personal abuse that had become very frequent between the parties to this controversy. Attempts were made to avoid his arguments by an opponent of much ingenuity and logical acuteness in argument, of great legal information and overbearing wit. It was contended by him, that the sense of keeping the three powers of government distinct was that the *body* which exercises the *legislative power* should be composed of members, *a majority of whom* should have no share in the exercise of the *judiciary* power. This was keeping the several powers in distinct bodies of men, and satisfied the principle, without going so far as to say that no individual

vidual member should belong to both. So in England the Lords, who sit in Parliament, were not deprived of their seats or voices by being made Chancellors, or Judges of any other courts in England; nor was it uncommon for these to be made Peers of the realm, of which Lord Chief Justice Mansfield was an instance.

As to a Lieutenant-Governor's not being eligible as a Counsellor, because in case of the absence of the Commander in Chief the Lieutenant-Governor would fill his place; and then either the Province must lose one of its Counsellors, or the same gentleman must act as Governor and Counsellor, it ought to be premised: that it was a great mistake to assert that there could be no liberty, where he who exercises the executive power has *any share* in the legislative. The King of Great-Britain, who had the sole exercise of the executive power, had also a share in the exercise of the legislative power, that is, the power of rejecting. Therefore Montesquieu, who, when he wrote, had the English government in view, must be understood to mean *the whole executive and the whole*

whole legislative powers ought not to be united, as they are in the republics of Italy ; or, in other words, that a *majority* of the body, which exercises the legislative power, should have no share in the executive. So long as the Governor was resident in the Province, there could be no constitutional objection to the Lieutenant-Governor's being in the Council. As to the contingency of the Lieutenant-Governor's filling the place of the Commander in Chief, if it should happen, it could at most only reduce the number of Counsellors, considered in their legislative capacity, from 28 to 27 ; a case which frequently occurred without any apprehension of danger to political liberty ; and, as it might not happen, it was absurd to deprive the Province of an able Counsellor forever, lest it might be deprived of him for a short time ; and the constitutional objection of uniting the executive and legislative powers would be obviated by his declining to act as a Counsellor in matters of legislation : or, if he could be weak or wicked enough to attempt to enslave his country (a supposition hardly to be made for argument's sake) he was not to be feared, unless the King, Lords, and Commons of
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Great-Britain were supposed to be in combination with him.

To this it was answered, that if a large majority of the Legislature ought to have no share in the judiciary power, for the same reason not a single man, who has a share in the judiciary power, should be a member of the legislative body. For if a single member, why not more? and liberty must be in danger, according to the maxim advanced, in proportion to the degree of influence which a single member of the one body might have in the other: and how great would be the influence of a Judge in the legislative body! As to Chancellors and Judges having seats in Parliament, the inference that it was constitutional, because it had sometimes been a fact, was inconclusive. The creating of Peers of the realm and electing Counsellors were distinct powers: the one was the act of the sovereign, the other the election of the people. A sovereign may exercise his legal prerogative, as he pleases; but would it follow, that because the sovereign is pleased to create a Lord Chief Justice a Peer of the realm, it is expedient for the people of this Province to make a Judge

Judge a Counsellor? or that it is perfectly consistent with liberty? or that it is agreeable to Montesquieu's sentiments of liberty, after he has expressly said that there could be no liberty, if the power of judging be not separated from the legislative power?

That the instance of the King of Great-Britain's uniting the executive and legislative powers did not apply. As a legislator he had only the right of *rejecting*. Counsellors had the right of resolving; and the great writer, whose authority was relied upon, expressly says, that if a prince should have a share in legislation by the power of resolving, liberty would be at an end. That the three great powers should be kept in an even balance; a small weight over in either scale might indeed be more easily removed, but whilst it remained, it as effectually destroyed the balance as the largest. The *whole* executive power should be kept separate from the *whole* legislative power. If the Commander in Chief should be a Counsellor at the same time, the two powers being vested in the same person, though with respect to the legislative in part only, unavoidably, in a certain degree, there would
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fall in the scale of executive power too much weight of influence, and the balance would be disadjusted. Indeed it seemed to be allowed by the friends of the Lieutenant-Governor's cause, that this would be an unconstitutional union ; and therefore they say that, in such a case, a Lieutenant-Governor would not act as a Counsellor, considering the Council as a legislative body. But could the public be assured of this ? Power is enchanting ; and if a Lieutenant-Governor in the case supposed should choose to think it was not an unconstitutional union, and to act in both capacities, who could hinder him ?

Ev. Post.
Bost. Gaz.
Journals and
Records of
the General
Court.

The military events of this year although carried on without the continental Colonies are deserving of our notice. The attack upon the island of Martinique by troops drawn from those Provinces making it necessary that they should continue their exertions, Massachusetts raised 2000 men, in order to aid in securing the British dominions, and particularly the conquests in her neighbourhood. Never before were the regiments levied so easily, composed so well, nor brought into the field so early as this year.

year. Soon after the capitulation of Martinique, another enemy was found in the Spanish King, less formidable from the strength of his arms than from the circumstance of the dismissal of Mr. Pitt. The fortune of war began again to be dreaded, lest Canada and the American fishery, which had hitherto been held irredeemable, might by the overruling event of affairs be restored to the French. The requisite additions to the number of men raised as the quota of the Province were made, so as to increase them to 3220 ; and seven pounds bounty was voted to every man, who should enlist in the regular regiments, to the amount of 893. In the month of July an alarming account arrived of the French actually landing and taking possession of the Bay of Bulls in Newfoundland ; in consequence of which not only the trade of the Province was threatened with essential injury, but an extraordinary tax was about to be laid on its inhabitants, by the arrival of nine ships from Halifax with 700 French neutrals on board, whom the aspect of affairs had made it unsafe to retain in Nova-Scotia. By an exomen of these people in the beginning of the year 1760, there was found to be 1017
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of them in the Province, of whom only 394 were able to labour. For the expense of subsisting them, the Province could procure no allowance from Parliament, and so had become subject to indefinite taxation in this way at the discretion of the commanders in Nova-Scotia. The General Court thought themselves justified under such circumstances to repel this burden, and forbid the landing of these unhappy exiles. The partial conquest, which the French made at Newfoundland, was soon lost by the recapture of the posts which they held there ; and all the benefit which they derived from this expedition was the interruption of the British fishery, and a general alarm through the Colonies.

During this alarm the merchants of Salem and Marblehead, apprehensive for the safety of their shipping, requested the Governor to afford them protection, when employed in fishing on the coasts of Nova-Scotia. The measures taken in consequence of this application produced a debate between the Governor and the House of Representatives, which serves to shew the degree of jealousy which they entertained of his prerogative,
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and perhaps of his disposition, and in this view, the whole proceedings are deserving of detail. The provincial frigate being at this time on a cruise, the Governor thought it expedient, after obtaining the advice of the Council, to fit out the armed sloop, then just returned from Penobscot, with fifty men, and to send her to the gut of Causo, where she cruised for about a month, and encouraged the vessels, which were there, to remain and complete their fares. The usual number of men for this sloop was necessarily to be augmented, and the General Court not being in session, the Governor with advice of Council undertook to do this, as well as to make an establishment for their pay; and the expense of the cruise was drawn for upon the appropriation for armed vessels. When the sloop returned, he made application to the General Court to provide for the continuance of her complement of men for a longer time than they were engaged for: instead of which, after observing that there was not the least necessity for it, they remonstrated against the making or increasing of establishments by the Governor and Council: that it was in effect taking from the House of Representatives their
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most darling privilege, the right of originating all taxes, and annihilating one branch of the Legislature ; and when once given up, (which no necessity would justify them in doing) the government would become arbitrary : that they might not have troubled the Governor about this affair, had it been the first instance of the kind, but lest it should grow into a precedent, they besought his Excellency, as he regarded the peace and welfare of the Province, that no measures of that nature might be taken for the future, let the advice of the Council be what it might.

The precedents referred to in this answer were the cases of the funeral of Lieutenant-Governor Phipps, and the fitting out of the ship of war King George. In the first instance the heirs of Mr. Phipps, after applying without effect to the Governor and Council, solicited the House of Representatives to bear the expense of his funeral, which they refused. The Governor and Council then liquidated some charges which had been thought unreasonable, and ordered the accounts to be paid. Upon this the
House

House sent a message to the Council, that the advising to fundry warrants, to pay monies for defraying the expenses of burying this officer, was unanimously resolved to be a misapplication of the public monies, and unwarrantable ; and that the House remonstrated against it as an infraction of the constitution. The Council stated the case, and justified their conduct, not however without relying much on their economy, and the peculiarity of circumstances, as a sum equal to the expense of covering the pulpit had been paid immediately, and the residue of the charge had lain two years as unreasonable, and was at last adjusted. In the case of the ship King George, which happened under the administration of the present Governor, in the year 1761, intelligence being received that two privateers were cruising off Block Island, and had taken several vessels bound to and from the Colonies, and the ship having no more than thirty men belonging to her, which number there was no prospect of increasing upon the existing establishment, the appropriation for the service of the ship being also exhausted, the Council advised the Governor to impress seamen, and to enlist volunteers for one cruise upon a bounty of
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of ten dollars each, provided the money could be procured ; and for that purpose it was further advised, that a warrant should issue upon the Treasurer for seven hundred dollars, to be paid out of such sums as should be subscribed by any merchants, or other persons, for the above mentioned services, upon the credit of a reimbursement *to be made* by the General Court at their next session.

The remonstrance offered to the Governor was attended with aggravating circumstances. It was passed after a very warm speech by a member in the House ; and at first, contained the following offensive observation : “ for it would be of little consequence to the people, whether they were subject to George or Louis, the King of Great-Britain, or the French King, if both were arbitrary, as both would be, if both could levy taxes without Parliament.” The Governor was so displeased at this passage, that he sent a letter to the Speaker, returning the message of the House, in which he said the King’s name, dignity, and cause were so improperly treated, that he was obliged to desire the Speaker to recommend
earnestly

earnestly to the House, that it might not be entered upon the minutes in the terms in which it then stood. For if it should, he was satisfied they would again and again wish that some parts of it were expunged ; especially if it should appear, as he doubted not it would, when he entered upon his vindication, that there was not the least grounds for the insinuation, under colour of which that sacred and well beloved name was so disrespectfully brought into question.

Upon the reading of this letter, the exceptionable clause was struck out of the message ; but enough remained to excite a vindication from the Governor, which he sent by the Secretary immediately before proroguing the General Court. In this he complained of the imputation thrown upon him, in the charge of taking from the house the right of originating taxes, and annihilating one branch of the Legislature by making or increasing establishments, tending to make the government arbitrary, as neither existing in his intentions nor deducible from his actions : that contingencies would happen, in which the Governor with advice of Council was justified in issuing monies for services.

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not expressly provided for by the General Court, as where a danger arises so immediate and imminent, that there is no time for calling the Assembly together ; or where the expense of some necessary service is so inconsiderable, as to be not worth the while to put the Province to the charge of the Assembly's meeting for that purpose, only at an expense vastly greater than the sum in question : that in the present case matters were so managed by drawing off men employed at the Castle, that out of 50 only 24 were charged to the Province : that the measure was a legal and constitutional exercise of the powers vested in the Governor and Council ; and that if it were wrong and ill advised (which was not admitted) it could amount to no more than an improper application of the public money by those, who had lawful authority to apply such money to the public purposes ; and when this distinction was considered, how could this act, right or wrong, be applied to the right of originating taxes, annihilating one branch of the Legislature and making the government arbitrary ?

Although

1763. Although the prorogation stopped the voice of the House of Representatives, so as to prevent a reply, yet they found time to appoint a committee to prepare an answer to it in the recess, and to report at the next session, when they failed not to resume their remonstrance against such an unlimited discretionary power, as the Governor seemed to claim, being lodged in any hands but the legislative body of a country who they said was, in all regular governments, the ultimate judge of the good of a people.

They admitted that a discretionary power must of necessity be left with the Governor and Council ; but they contended that this ought to be limited by the sum appropriated by the General Court for contingencies arising from sudden imminent dangers, and necessary though inconsiderable services. They quoted the proceedings and language of the House of Commons as to a strict adherence to the essential parliamentary forms of granting supplies only upon estimates, and appropriating the same to services and occasions, publicly avowed and judged necessary. That “ the departing from these
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excellent methods will by degrees render Parliament altogether useless, and princes arbitrary, by lodging in the crown, and in the ministers, an absolute and uncontrollable power of raising money upon the people, which by the wise constitution of Great-Britain is and can be only lodged with safety in the Legislature." They declared that as they were far from wishing the Governor to give up any part of his Majesty's prerogative, so they thought that the most rational evidence of their loyalty and attachment to his Majesty was a decent and vigorous adherence to those principles of civil and religious liberty, which were the basis of the best government in the world, or that human nature was capable of.

The Governor avoided further controversy upon this subject with equal delicacy and correctness, by observing to the House that he should have been glad to have signified his approbation of the general sentiments prevailing in their message; to have assured them that there was no danger of their differing in fundamental principles of loyalty and civil liberty; to have testified his sense of the professions of personal regard

gard which they expressed for him ; but that he was deprived of that pleasure by perceiving by their votes, that the message was prepared by an order made and a committee appointed at the last session : that upon a prorogation all business that had a regard to the mutual relation of the three branches, was at an end, and if it were to be renewed, it must originate *de novo* : that this was the chief distinction between a prorogation and an adjournment, and was by no means indifferent, and he therefore desired that this might not be a precedent for transferring a business from one session to another by way of continuation.

CHAP. VI.

Peace in 1763—Enmity of parties—Ecclesiastical dispute—Plan for taxing the Colonies—Acts of trade enforced—Proceedings of the House of Representatives thereupon—Indian war—Instructions to the agent against taxing the Colonies and enforcing the acts of trade—Harvard-Hall burnt.

A MORE pleasing communication very soon followed, in announcing authentic advice, that the preliminaries of peace between Great-Britain, and France and Spain, had been signed. This event both Houses acknowledged with humble gratitude for the protection afforded them by their gracious sovereign during the war, for the frequent grants made by Parliament for their relief, and for the assurances of compensation for the expenses of the last year, without which protection they would have been a prey to the power of France, and without which assistance, the burden arising from their unprecedented expenses would have been insupportable. On this occasion they returned

1763.
Jan. 12.
Feb. 7.

ed their thanks to the Governor also ; and expressed their wishes that he might long be continued at the head of the government, promoting that interior peace upon which their prosperity so much depended.

The communication of the final ratification of the peace, to the new Assembly of the present year, drew from them an address not less replete with gratitude to the King for the great advantages obtained by it, and with respect for the Governor. They declared themselves sensible of his services during the war ; but as the peaceful and settled state of the country would give him more opportunities of serving it than were then to be expected, they doubted not but he would improve them for the best purposes. They hoped that he would still have the honour of being distinguished in England for his attachment to their interest, which was inseparably connected with the interest of the mother country ; and have further public testimonies from a most grateful people. They declared that the unanimity which the Governor recommended was never greater in the Province than at this time. They doubted not, that as they had
been

been delivered from foreign war, they should be equally free from intestine divisions ; and that now peace was diffused through the vast circle of the British dominions, it would continue and prevail in an especial manner in the counsels of this Province, under his wise and impartial administration.

The two Houses also agreed upon an address to the King. In this they returned their thanks to his Majesty for procuring by the treaty of peace concessions equal to their greatest hopes, and expressed their obligations to contribute to the happiness of his Majesty's reign, as far as the remoteness of their situation and the limits of their sphere would admit ; and promised a constant endeavour to evidence their gratitude by every expression of duty and loyalty in their power.

Whatever wishes might have been entertained by the General Court for the interior peace of the Province, and however its pecuniary interests as it respected the reimbursement money and other just causes might have preserved a tranquillity in the Legislature unlike the warmth which prevailed

veiled without doors, the causes of discord were too effectually established to admit of a union of parties. National distrust had taken deep root from long standing, and personal animosity had entwined itself with the public cause. The preservation of liberty on one side, and the support of good government on the other, were connected with the downfall of individuals in the opposite divisions. A people, professing a jealousy of their liberties, and constantly seeking for a knowledge of their rights, naturally interested themselves in whatever related to the character and conduct of political disputants. Hence private concerns fell under the cognizance of public opinion, and personal charges were brought forward at the bar of the press. The friends of the Lieutenant-Governor's cause charged Mr. Otis with raising his patriotism from the disappointment of his father, who failed in his application for the place of a Judge of the Superiour Court, and with attempting to execute his threat to set the Province in a flame, in case he should not obtain it. Mr. Otis in return disavowed all such motives and threats, and charged Mr. Hutchinson with duplicity and intrigue in obtaining

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ing the place of Chief Justice, to the exclusion of the elder Mr. Otis's application. Other persons also were drawn forward by name in the newspapers, and the ferment was kept up by a mixture of various subjects of controversy.

Amongst these was a dispute between the Episcopalians and Dissenters, which may be considered as falling more peculiarly within the ecclesiastical history of the country, but which from its intimate connexion with politics, and from its dividing the inhabitants into the same parties, as well as from the general interest which it created in their feelings, may not be thought an improper subject to be mentioned in this work. The general opposition of those sects of christians from the planting of the Colony is commonly known. In the year 1701 the Society for propagating the gospel in foreign parts was incorporated in England ; and being established by Episcopalians, was naturally looked to by them for the spreading and supporting of their church. This Society had sent and was maintaining about thirty missionaries in New-England ; and a jealousy prevailed amongst the Dissenters
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that the congregations, which were aided by these missions, were designed to introduce an Episcopal sovereign, to whom their own churches might at length be made subservient. The incident, which awakened the controversy on this subject, at a moment when the spirit of party attached itself to every thing which could be moulded to its purposes, was the death of Doctor E. Miller, one of the Society's missionaries over an Episcopal church in Braintree. The manner, in which this was related in the Gazette, was considered as disrespectful from the sarcasm that was thrown upon his congregation, as though they came within the description of persons amongst whom it was the proper object of the Society to propagate the gospel, and who, in the writer's view, were the negroes and Indians of the country.

The paragraph was pointedly resented by the Rev. East Apthorp, another missionary of the Society at Cambridge, where a church had been lately erected. He seized this occasion to undertake the defence of the Society's conduct, as consistent with the powers vested in it by its charter, and once for all
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to settle the question, whether it had misapplied a fund originally limited to the conversion of the Heathen. In this defence the writer laboured to prove, that it was a direct and immediate object of the Society to propagate the gospel in the British Colonies and plantations. But Mr. Apthorp's considerations, instead of settling the question once for all, drew from the pen of Doctor Jonathan Mayhew observations on the charter and conduct of the Society, with remarks on Mr. Apthorp's considerations, and various incidental reflections relative to the church of England, and the state of religion in North-America. The acumen and celebrity of this performance placed the author of it first on the list of polemics in this country, and gave him a high reputation in Europe. After several strictures upon it in New-England, two of which were particularly replied to, an answer to Doctor Mayhew's observations appeared in London, and was attributed to the Archbishop of Canterbury himself. If this writer conceded too much in his argument, to save the victory as a disputant, he lost nothing of the dignity and candour which became him as an arbiter in this controversy, and which
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was due to his high station in a christian church. This brought forward a second defence with zeal little diminished on the part of Doctor Mayhew, and with enlarged observations on the settlement of Bishops in North-America : and a review of this defence by Mr. Apthorp seems to have closed the dispute of these writers. The connexion between this contest and politics consisted chiefly in the impression made on the public mind, that the establishment of Bishops would be attended with the exercise of temporal powers similar to those which they possessed in England ; and that the solicitude of the Society to plant missionaries, where the benefits of the gospel were administered, though not according to the ritual of the church of England, had been the means of neglecting the Indians on the borders, and so losing an influence over them, which might have prevented the cruelties of war.

Whatever advantages eventually accrued to civil or religious liberty from this controversy, its immediate effects were little calculated to advance the mild spirit of the gospel. The heat with which it was carried on re-generated

generated the ancient enmities, by calling up to view the former conflicts of the litigating parties. The persecution of the Dissenters by the church of England before the settlement of America took place ; their intolerance to Episcopalians and other sects afterwards ; their cruelty to the Quakers ; the relative state of morals among the existing members of the different communions, and even the conduct of individual characters, were forced up in the accusation and defence of the Society for propagating the gospel, and all this with a guise of using sharp expressions and personal invective under protestations of candour and good will, which gave too great a complexion of cant and insincerity to the debates of the times in general. These writings therefore may be considered as increasing the divisions, which were rising in Massachusetts as in a point, whence with diverging influence they were about to spread over the American and European world.

The spirit displayed in the Province of Massachusetts Bay was truly hostile to any alterations in its government. There was
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no torpor to invite encroachments upon civil rights by stealth ; and the divisions were too unequal in point of numbers to afford hope for the operation of force. The only channel, through which the Colonists could be approached by the government in England therefore, was in those external regulations of trade, which they had conceded to be under its control. No time was lost in beginning on this ground, and converting those regulations into sources of taxation. Before the peace had extended to the Indians, the first lord of trade with a view of raising a revenue from foreign molasses imported into British Colonies, moved for a reduction of the duty, which stood so high as to amount to a prohibition, or would have operated so, had not the act been wholly neglected, and the trade connived at. This motion was sustained and produced a bill for the purpose, which was referred by the House of Commons to the next sessions. A plan was likewise framed by Mr. Grenville, for laying a direct internal tax on the Colonies by a stamp act. This also was postponed. In the mean time the lords of the Admiralty issued their instructions to the commanders of the navy in America, to enforce

force the several acts of trade, that is, the navigation act and others, by which it was provided, that no goods should be imported into or exported from any of his Majesty's plantations, except in vessels built in and belonging to the people of England, or Ireland, or such plantations; and whereof the master and three quarters of the crew, at least, should be English: that no product or manufacture of Europe, excepting wines from Madeira and the Azores, servants, horses, and victuals from Scotland, and victuals from Ireland, should be imported into such plantations, without being laden and shipped in England: that all vessels in the plantations should be subject to the same searches, and all Custom-House officers there should have the same powers, as in England: that the Treasurer and Commissioners in England should appoint officers in the plantations, and that ships trading there should be registered, &c. By one of these laws it was declared, that all laws made by any of the Colonies inconsistent with any act of Parliament should be void. This, as it respected Massachusetts, was either superfluous, or shewed a distrust of the power of the King in Council, by whom the laws
passed

passed in this Province were subject to be disapproved within three years. Deputations also were sent to seize prohibited goods. But the strongest apprehensions arose from the publication of the orders for the strict execution of the molasses act, which is said to have caused a greater alarm in the country than the taking of Fort William Henry did in the year 1757.

Although opposition was not so settled and arranged, as to enable it to be active against these threatening proceedings ; yet they did not pass unnoticed by the House of Representatives, who drew up instructions to their agent, to use his endeavours to obtain a repeal of the sugar act, and to exert himself to prevent a stamp act, or any impositions or taxes upon this or the other American Colonies ; in addition to which they also made a statement of the rights of the British Colonies in general, and of Massachusetts in particular. These however, being referred to a committee on the agent's letters, appear to have been checked, at this time, by them. But the House proceeded to choose a committee, to write to the other governments, in the recess of the General Court, to acquaint

quaint them with the instructions, and to desire the several Assemblies to join them in the same measures. At the close of the session the Governor prorogued the Court, with expressions of applause for their unanimity.

The embarrassments of the General Assembly in a financial view were lessened by the receipt of the reimbursement money granted by Parliament for the year 1761. 42,774*l.* 16*s.* But they were greatly increased by the irruption of a general Indian war, which might have again made the aid of the mother country of much importance. Although this evil fell more immediately on the frontiers of the southern Colonies; yet it was made a common cause in the view of the King. And General Gage, who had become Commander in Chief by the departure of General Amherst, proposed to collect a respectable force at Niagara in the spring, to carry the war into the country of the Indians upon the lakes, whilst a force from those Colonies should execute a similar plan upon the River Ohio. For this purpose he required 700 men of Massachusetts: and the Governor demanded 200 in addition

addition to these, to enable him to protect the eastern country. The House of Representatives availed themselves of the circumstance of terms of peace being proposed by some of the principal tribes, which were accepted by the commanding officer at Detroit, to wave the further consideration of General Gage's requisition. But instructions arriving from the Secretary of State, enforcing the measures recommended by the Commander in Chief, the Governor urged them again upon the General Court, when the House again declined, for reasons given at large, to assume this burden upon the Province at the present time. These reasons he engaged to lay before the Secretary of State, not without expressing his apprehensions, that by their refusal, they would counteract other purposes, which they had been prosecuting in the course of the session, of infinitely greater consequence than the expense of the men required.

About this time there was a pause in the opposition to the measures of the crown and Parliament, which might have given some appearance of the conciliation of parties, but which was more probably owing to the uncertainty

certainty of the eventual plan of the ministry, and the proper ground to be chosen for counteracting it. The suppressing of the proposed instructions to the agent by a committee of the House of Representatives, indicated that this balance of power there was unsettled. Several circumstances shewed a less inflexible spirit than had existed among the leaders. The Governor appointed the elder Mr. Otis a Justice of the Court of Common Pleas and Judge of Probate for the County of Barnstable. The younger wrote a pamphlet on the rights of the British Colonies, in which he acknowledged the sovereignty of Parliament, as well as the obligations of the Colonies to submit to such burdens as it might lay upon them, until it should be pleased to relieve them, and put the question of taxing America on the footing of the common good. Lieutenant-Governor Hutchinson, after being so hardly pursued as to his eligibility as a Counsellor, almost regained his popularity with the House of Representatives in the present exigency of public affairs, which made it expedient to choose an additional agent to be sent immediately from this country to England. The General Court were induced to adopt this measure

measure from several causes. The spirit which was shewn towards America by men in power cast a deadly influence upon her liberty. It was beginning to act through the channel of commerce. The merchants of Boston and the other sea ports in the Province, anxious to repel this impending evil, presented a petition that measures might be taken to preserve the trade from the pernicious effects of the sugar act and other regulations connected with it. The reasons given in this petition, as well perhaps as the strange acquiescence of Mr. Mauduit in the views of the ministry, and his feeble manner of soliciting for the reimbursement of the expense of maintaining the French neutrals, brought the General Court to the resolution of choosing an agent, to act jointly with him in England. No man in the Province was generally considered more suitable for this appointment than Mr. Hutchinson; and he was in such favour with the members, as to receive all the votes but eight in both Houses. An embarrassment arose, however, which entirely frustrated his entering upon a charge, which, if undertaken, would, probably, have accelerated his private fortunes, and perhaps changed

changed the future political circumstances of the country. The office of Lieutenant-Governor afforded him neither profit nor employment ; yet it was considered by the Governor as an appointment of such a nature, as made it improper for him to be absent from the Province without permission. In this opinion he acquiesced, and returned an answer to the Assembly, that some difficulties rendered it impracticable for him to proceed to England immediately, but that these would probably be removed in a few months ; and so left it with them either wholly to excuse him or to suffer him to engage in the business, when he might be at liberty to undertake it. The importance of the objects in question now afforded an opportunity to Mr. Hutchinson's enemies to oppose him with success, as delay might operate, in such a case, to the great injury of the country. Eventually the House voted by a majority of nine to excuse him in consequence of his letter ; but the Council being divided, this vote was considered as being non-concurred ; thus the business was left unsettled to his great mortification, as he had expected an indulgence in this instance,

stance, and complained to his friends that the question was taken when he was absent from the Court, and many leading members of the same sentiments had accompanied him. He still entertained an expectation that the vote might be renewed by the succeeding Assembly ; and he thought himself entitled to it by thirty years service, particularly by projecting and substituting specie for a paper currency under such great difficulties as he had opposed ; and with this impression he wrote to Lord Halifax for leave to absent himself from the Province, in case of his being again called to the agency. But he had passed the summit of his popularity, and was now about to descend into the vale of public censure, cheered only by the light of his own mind, and the temporary sunshine of royal favour.

Although Mr. Hutchinson was not finally appointed to the agency in England, yet the General Court appear to have availed themselves of his services, in draughting instructions to Mr. Mauduit against the several acts of Parliament, so detrimental to the trade and fishery of the Province. Upon the subject of the sugar act the arguments
were

were of the same nature with those, which have been already stated. The business of the fishery, which, it was alleged, would be broken up by the act, was at this time estimated in Massachusetts at £164,000 sterling per annum; the vessels employed in it, which would be nearly useless, at £100,000; the provisions used in it, the casks for packing fish, and other articles, at £22,700 and upwards: to all which there was to be added the loss of the advantage of sending lumber, horses, provisions, and other commodities to the foreign plantations as cargoes, the vessels employed to carry fish to Spain and Portugal, the dismissing of 5000 seamen from their employment, the effects of the annihilation of the fishery upon the trade of the Province and of the mother country in general, and its accumulative evils by increasing the rival fisheries of France. This was forcibly urged as it respected the means of remittances to England for goods imported into the Province, which had been made in specie to the amount of £150,000 sterling, beside £90,000 in the Treasurer's bills for the reimbursement money, within the last eighteen months. The sources for obtaining this money were through foreign countries

countries by the means of the fishery, and would be cut off with the trade to their plantations. As to the unconstitutionality of this law on the principles of taxation it was observed; that the inhabitants of this Province were empowered by their charter, and his Majesty's other Colonies were empowered by the commissions under which they were governed, to raise monies for the support of their respective governments. If duties and taxes were to be laid upon them in any one instance, what assurance had they that these would not be so multiplied, as to render this privilege of no importance to them. They had at all times done every thing that could be expected from them in support of his Majesty's government, and in time of war they had gone beyond this, and had therefore been relieved by favour of Parliament: that they were still disposed to do every thing in their power, and hoped that it would be thought as reasonable that the Assemblies of the Colonies should determine what monies should be raised upon the inhabitants here, as that the Parliament of Ireland should determine the monies to be raised upon the inhabitants there: that the growth of the Colonies depended upon
the

the enjoyment of their liberties and privileges ; and as they increased so their trade with Great-Britain would increase, which was a consideration of far greater importance to the nation, than the profits that could arise from any duties or taxes with which they might be burdened. The agent was directed to endeavour to procure the agents of the other Colonies, to join with him in this common concern, and to select such characters to conduct it in Parliament, as would be most capable of effecting it in a way expressive of their firm allegiance to the best of kings, of their grateful sense of the numerous favours conferred on them by Parliament, and of their humble hopes of a continuance of its favour : that they could not but hope, if the business should be properly conducted, that no taxes nor duties would be laid upon the Colonies, whilst they remained unrepresented in Parliament, whose displeasure could not be incurred by the principles which they acted upon, these being the same which actuated their own minds, the principles of liberty and of the constitution.

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The instructions were also extended to the act of 15th of Charles II. and stated the hardships and injury of carrying certain commodities, the growth of Europe, to England, before they could be imported into the British Colonies; that the expence of carrying some articles received for fish in Spain and Portugal to London, to enter them in the Custom-House there, would be so great as to exceed the amount of the cost, and many times the value of the duty also; and fruit so necessary for the health and comfort of the inhabitants would be lost from the length of the voyage: nor could the act be supposed to intend a prohibition, as the bringing of those articles directly to the Colonies was no prejudice to Great-Britain. Wine was admitted, by the act, from Madeira and the western islands. As this had increased in value so much, from the great use of it in England, as to put it out of use in the Colonies, and by their growth their own demands for the wines of the western islands had enhanced the price of them fourfold within thirty years, beside a heavy excise, necessarily laid upon them, it was but reasonable that they should be allowed to import the articles enumerated
directly.

directly from Spain, Portugal, and the Mediterranean, the places of their growth. The agent was therefore instructed to apply to Parliament for this liberty ; and the rather, as by the strict execution of the orders lately issued from the board of trade to the naval commanders, indulgence would no longer be given, and seizures had taken place, and would probably be continued to the ruin of the merchants.

The public business was interrupted this year by the spreading of the small pox in the capital, which obliged the General Court to adjourn to Cambridge, and thence they were compelled to proceed to Concord, by the accidental burning of Harvard-Hall in which they held their sittings. This event, the effects of which upon the repositories of science are not now to be discerned by any unfavourable marks, was at first exceedingly alarming to the cause of literature. The library consisting of near five thousand volumes was destroyed, excepting a few books ; and the apparatus said to be the best furnished in America was likewise ruined. Although government had very lately erected
Hollis-

Hollis-Hall at a great expense, yet the members of the General Court unanimously voted to rebuild the principal edifice of the College, which had been demolished by an accident resulting from the means of their accommodation. A faithful execution of this vote, with the liberal donation of individuals and the application of the friends of the university having supplied an elegant building and more than 13,000 volumes, leaves us nothing perhaps now to lament from this catastrophe.

CHAP. VII.

Act for raising a revenue in the Colonies passed—Opinions and arguments of the opposite parties on the subject—Objections of the House of Representatives contained in their instructions to their Agent—Committee chosen to write to the Assemblies of the other Colonies—Measures resorted to by the people: association for the non-consumption of British, and encouragement of their own, manufactures—Governor repeatedly prorogues the General Court—Clamours against him—Petition of the General Court to the House of Commons.

ALTHOUGH the British ministry postponed the plan for raising a revenue from the trade and laying other duties in America; yet it was done with reluctance, and indicated no design of finally abandoning these measures; as Mr. Grenville declared his resolution to convince the Colonies, that they were as subject to an inland tax, as to any other imposed by the Legislature of Great-Britain. Accordingly in the spring of this year,

1764.

J. Hushe's
Letter.

year, he began to execute his scheme in Parliament. This was not a difficult task, when he had once determined to pass by those great constitutional principles, which Englishmen had never renounced, and which their descendants in America had still stronger motives to maintain at the hazard of their property and lives. These principles aside, he could not fail of succeeding in demonstrating to the House of Commons facts, of which their burdens were the evidence, and inferring the fitness of drawing in to their aid those, who were represented as overflowing with plenty, unembarrassed with taxes, and distinguished by unequalled ease and happiness. He soon convinced them of the impoverished state of their finances : that beside all the former load of debt, the last war had created seventy three millions, sixty three millions of which were the work of the four last years of it ; and in addition to all this, the Germans claimed seven millions of arrears : that the state of the national income made it indispensably necessary that every part of the government should contribute to the utmost to lighten the public burden ; and that the whole charge of the American governments being three hundred

dred and fifty thousand pounds, it was highly reasonable that they should submit to the taxes he was about to impose upon them. The House therefore came to several resolutions of the following tenor. That duties be laid on various enumerated foreign articles imported from any place (excepting in some cases from Great-Britain) into the British Colonies and Plantations in America ; and a duty upon other articles, the produce of the Colonies, exported to any other place than Great-Britain : that a duty of 3*d.* sterling per gallon be laid on molasses and syrups and an additional duty upon white sugars of the growth of any foreign American plantation, imported into the British Colonies : that the produce of the duties so to be laid be paid into the Exchequer, and these reserved to be from time to time disposed of by Parliament towards defraying the necessary expenses of defending, protecting, and securing the British Colonies and Plantations in America : and that towards further defraying the said expenses it might be proper to charge certain stamp duties in the Colonies. A bill was accordingly brought in and enacted for imposing the duties as resolved upon, except as to stamps, which was postponed

J. Mauduit's
M S. Letter.

poned to the next year, "in complaisance to the Colonies, to give them an opportunity to pass it themselves, or some other equivalent; Mr. Grenville being willing, as he expressed himself, to consult the ease, the quiet, and good will of the Colonies," or rather being desirous to make his experiment of taxing trade before he ventured upon internal taxation. In this triumphant career of the minister, the voice of America was silenced, by a rule of the House of Commons not to receive any petition against a money bill. This rule must have been founded on the principle of the people, who were to pay the tax, being present by their delegates in Parliament, and evidently proved the absurdity of the case before them, wherein they were the only party neither actually nor virtually represented. As this act for raising a revenue in America was the great mistake, by which the Colonies were lost to Great-Britain, it will be worth the research to ascertain the causes from which it arose. These were without doubt derived principally from the pressure of the national debt at the conclusion of the war, and an ignorance of the most effectual mode of drawing the aid of the Plantations to the relief of the mother

mother country, or an impatience inconsistent with the pursuit of it ; but the interests and passions of particular classes of men and of individuals were exceedingly operative in this great event, as will appear from a view of the principles and conduct of the acting parties. The advocates for taxing America may be considered in two divisions, one in that country, and the other in England. Both agreed to establish the right of Parliament to levy taxes ; but their views as to the mode of raising and finally appropriating them were different. The minister was desirous of receiving them through the Exchequer ; the royal party in America was for collecting and expending them here. Some however were for dividing the spoil, by leaving the external taxes to the minister, and keeping the internal at home. Among the friends of this latter plan Governor Bernard must be placed. He had been observing the nature of the several governments in the Colonies since his residence in them, and this year he collected his opinions into form under the name of principles of law and polity. In these he asserted, that the rule of a British subject not being bound by laws, or being liable to taxes, except
what

what he had consented to by his representatives, must be confined to the inhabitants of Great-Britain only, and was not strictly true even there : that the Parliament of Great-Britain, as well from its rights of sovereignty, as from occasional exigencies, had a right to make laws for and impose taxes upon its subjects in its external dominions, although they were not represented in such Parliament : that a representation of the American Colonies in the imperial legislature was not impracticable, and was to be determined by expediency only, but was not necessary to establish the authority of Parliament over them : that taxes so imposed ought to be applied to the use of the people from whom they were raised : that Parliament had a right to provide for the defence, and to take care that provision be made for a sufficient support of the American government : that the port duties being most properly applicable to the defence of the Colonies, the support of the governments should be provided for by internal duties : that it would be advisable to leave to the provincial legislatures the raising of the internal taxes ; for if the sums required were fixed, there would be no inconvenience in
letting

letting them determine the manner in which they should be raised : that the establishment of an independent civil list was expedient : that the charters could not be intended for perpetuity, because they were in many things unconstitutional and contrary to the very nature of a British government : that America was capable of a nobility for life ; and that the people at this time expected a revival and reformation of the American governments, and were better disposed to submit to it, than ever they were, or perhaps ever would be again.

These outlines of the American royalists serve to shew, that they designed to leave their country nothing independent of the will of Parliament. The subjection was so complete, as to become incompatible with the idea of virtual representation in the view of its projectors : for however such a representation may exist, where the representatives, although not elected by their principals, are in the same interests ; yet where these are different and even opposite, the fallacy of the doctrine becomes too apparent for support in the mind of the boldest visionary. To a member of the House of Commons

mons it would become a temptation beyond resistance to vote a tax from his own purse to the Americans : it was therefore a part of this plan, that they should be admitted to a representation in Parliament, at least until the form of their government was settled ;—a privilege which they contended was impracticable from local causes, and would be highly injurious to them for various reasons ; and which, on the temporary plan suggested, was only the right of forging their own chains.

The similarity of these principles of law and polity to the measures actually adopted by the British minister concurred, with other circumstances, to excite and fix suspicions in the minds of the people of Massachusetts, that the idea of taxing them did not originate in England ; and Governor Bernard began to lose their confidence, which continued to be abated, until it was irretrievably gone.

The American idea of the authority of the mother country, and of the most expedient system of governing, was far different. The people held it to be their essential right
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as Englishmen, not to be subject to any tax, but what they had a voice in laying in person or by their representatives : that this principle had been admitted in practice, by the Colonies being allowed civil governments of their own, who had always voted supplies to the King greater than their proportion of the national expenses, and were supported by their constituents : that their representatives in these governments were the only proper judges of their ability to grant money, a British House of Commons being at too great a distance to be well informed, and too much interested in laying heavy burdens upon the Colonies in order to lighten their own : that a representation within the Colonies was the more necessary, from the peculiar weight of taxes laid upon them, on account of their being kept indebted in England by the regulation of their trade, to a greater amount than all the specie of the country would pay : that a taxation without representation, having no check, would leave them nothing their own : that the system of internal taxation was not the most expedient system of governing the Colonies, whilst Great-Britain could obtain
all

all which they could yield without it : that she enjoyed through them an extensive trade, by the absolute and uncontrollable regulation of which she drew to herself the fruits of the labours of many thousands, without alienating their attachment to her : that she had the liberty of introducing among them such East-Indian and European articles as she pleased, the latter of which she was able to supply, without going abroad for them : that it was evident that Great-Britain by these means drew every thing from the Colonies which they could send, by the course of exchange, which was constantly rising, except during a war, when European goods were exchanged for foreign sugars and other articles, the prices of which were high in Europe ; and after all great sums remained due to merchants in London : that it resulted hence, that the way to reap still greater advantages from the Colonies was so to enlarge their trade, as to furnish them with more valuable remittances, particularly to extend their trade to the neutral ports in the West-Indies ; for if the English islands furnished a sufficient quantity of sugars, whatever more was procured would be exported and brought again home by the course

course of a regulated importation of British manufactures ; and, on the other hand, if those islands should not furnish a sufficient quantity for consumption, the price that would be paid for the deficiency, during the present restraint, would much lessen the amount of remittances to England. Even money sent to the French islands could be no injury to the nation, since by purchasing their produce at first hand, the Colonists would acquire all the profits of transporting it to foreign ports : But not permitting them to exchange for West-India produce that lumber, which must otherwise be burnt, was highly absurd. Could a good reason be given why they should not change their ashes into sugar ? Perhaps allowing them to bring wines, subject to a duty, directly from Spain and Portugal would be politic, in the view of increasing their means of remittances : that as in Europe it was esteemed wise for Great-Britain to take off French wines in return for beef and bread, by which means France in time of war was put to the greatest difficulty in victualling her fleets and armies, so the Colonies producing those articles ought to be encouraged as the firmest support of her empire in America, because the

French

French and Spaniards, depending on them for provisions, were driven to the greatest distress in war, and were forced for a scanty supply to surrender their wealth; and therefore that no opening of trade between the Colonies ought to be discouraged, as this advantage was ever on the side of Great-Britain: that she having it thus in her power to draw all the wealth, which her Colonists could accumulate, by a regulation of their trade, to attempt to get more by internal taxation would be like felling the tree to gather the fruit.

Nor was external taxation conceded to the Parliament by all. A distinction was made between it as a regulation of trade, and as a source of revenue; for sufficient imports might be invented to collect all the circulating money of the Colonies. Mr. Hutchinson appeared to be impressed with this opinion, and indeed to think that the authority of Parliament to raise a revenue in America ought to be acquiesced in rather on the ground of expediency than right. In a letter to Mr. Bollaert he observed, "If the Parliament begin with internal taxes, I know not where any line can be drawn. If it be
said

said that there is none but their discretion, we are in danger of unequal distressing burdens, which finally must affect the nation as much as the Colonies themselves." And in writing to another friend, when speaking of the distinction between duties on trade and internal taxation, he observed, "that this distinction agrees with the opinion of the people in England, and with the opinion of most people here. Mr. Bernard is full with you in it. I think it imprudent to oppose it, and therefore am silent, but it is for this reason only. I am for saving as much of our privileges as we can: and if the people of England make this distinction, I think it tends to strengthen us in our claim to exemption from internal taxes. Really there is no difference, and the fallacy of the argument lies here. It is supposing duties upon trade to be imposed for the sake of regulating it, whereas the professed design of the duties by the late act is to raise a revenue. Can it possibly cause any difference to the subject to impose a duty to be paid as an impost, or to impose a duty of excise to be paid by the licensed inland vender? The consumer pays just the same in the one case as the other; and the rights of the people are alike

His copy of
a M. S. Letter,
Nov. 7,
1764.

alike affected in both cases. If they would stop where they are, I would not dispute their distinction with them, but if they intend to go on, there will be a necessity of doing it, for they may find duties on trade enough to drain us so thoroughly, that it will not be possible to pay internal taxes as a revenue to them, or even to support government within ourselves." It also appears that Mr. Hutchinson drew up a state of the claims of the Colonies and the interest of the nation with respect to them, and transmitted it to his correspondent in England, with a view of serving their cause in some publication there, but with express injunctions, that whatever was done, it should not be suffered to be known that the work came from him.

Hutchinson's
M. S. letter-
book.

As to the actual exercise of the right of taxation on the Colonies by the Parliament, precedents seem to have been made only in the following instances. An act of 25th Charles II. c. 7. imposed a duty on enumerated articles. A tax was laid upon mariners, and deducted from their monthly wages; which was finally appropriated to the support of such, as became the subjects of Greenwich Hospital. The General Post-Office
was

was established also by an act of Parliament ; and lastly the sugar act, which had been so long suspended, and was now formed on a new model, and about to be put into operation as an introductory step to a system of revenue. The advocates for the Colonies contended that the act of Charles II. being passed in an arbitrary reign, whence precedents relating to the rights of the people could not be fairly adduced, ought rather to be considered as an exercise of power than of acknowledged law. The two next instances, they alleged, were done for the immediate advantage of the trade of the country, and the sugar act was rather prohibitory than for the purpose of taxation.

In this unsettled state of rights and opinions the Parliament passed the law for granting certain duties in the British Colonies and Plantations in America ; and the minister, foreseeing its unpopularity there, inserted a clause to secure its execution, which proved to be as objectionable respecting the rights of Americans, as its general principles. Penalties for the breach of this act, or any other relating to the trade and revenues of the British Colonies, incurred in America, were

were made recoverable in any Court of Record or in any Court of Admiralty in the Colony, where the offence should be committed, or in any Court of Vice-Admiralty, which might be appointed over all America, at the election of the informer or prosecutor. Thus a trial by jury might be taken away, and a defendant might be forced from one end of the continent to another, to support his claim in a Court of Vice-Admiralty at an expense perhaps beyond the value of the property in question. And after all, the act provided that he should recover neither costs nor damages, if the Judge should certify that there was probable cause of seizure.

The murmurs and discontents of the last year, excited by the enforcing of the laws of trade, were increased by the present act; and several seizures to the amount of about £3000 sterling, one third of which was appropriated to the Governor, heightened the animosities which had been raised against him. The influence, which had preserved caution, and sometimes a silence, in the General Court, was now broken. When they met at their first session, after declining to enlarge the establishment of two companies, raised
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for the defence of the eastern country, the House of Representatives drew up in decided and pointed language a letter of instructions to Mr. Mauduit, the agent for the whole assembly in England. This was founded on several letters from him, in which he had misconstrued their silence upon the business of the tax on molasses, and even the quartering of 10,000 troops in the Colonies, into an assent to those measures. In this they observed, that volumes had been transmitted from the Province in relation to the sugar act, to little purpose : if a West-Indian or any other bye influence was to govern and supersede their most essential rights as British subjects, what would it avail them to make remonstrances, or the most demonstrable representations of their rights and privileges ? that the sudden passing of the sugar act, and continuing a heavy duty on that branch of their commerce, they thought was far from proving, that any solid foundation existed for a hope which he had expressed, that a general disposition would be found to serve the Colonies and not to distress them : that no agent of the Province had power to make express concessions in any case without ex-
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press orders; and that the silence of the Province should have been imputed to any cause, even to despair, rather than to have been construed into a tacit cession of their rights, or an acknowledgment of a right in the Parliament of Great-Britain to impose duties and taxes upon a people, who are not represented in the House of Commons: that they were still more surpris'd at his letter respecting the quartering of an army on the Colonies. We conceive, said they, nothing could restrain your liberty of opposing so burdensome a scheme. What merit could there be in a submission to so unconstitutional a measure? It is time enough for us to make a virtue of necessity, when we are obliged to submit to so unreasonable an establishment. Is there any thing in your power of agency, or in the nature of the office, that can warrant a concession of this kind? most certainly there is not. We are extremely obliged to Mr. Grenville, "for his kindest expressions of regard to the Colonies." But we cannot conceive it any vast favour that he will not think of "any thing from America for the relief of Great-Britain." Nor can we conceive it to be exactly agreeable to equity and justice that America
"should

“ should be at the whole charge of its government and defence.”

“ The northern Colonies have, during the late war, exerted themselves in full proportion to Great-Britain. This Province in particular had in one campaign on foot seven thousand troops. This was a greater levy for a single Province, than the three kingdoms had made collectively in any one year since the revolution.”

They observed that the Colonies had defended themselves for more than a century against the French and Indians, with very little assistance from England ; and were still obliged to keep up many large military establishments. In this situation how grievous must it appear, that their mother country should cut off their resources, and oblige them to pay such heavy taxes for support of regular forces out of their own Colony. And granting, said they, that the time may come, which we hope is far off, when the British Parliament shall think fit to oblige the North-Americans, not only to maintain civil government among themselves, for this they have already done, but to support an army
to

to protect them ; can it be possible that the duties to be imposed, and the taxes to be levied, shall be assessed without the voice or consent of one American in Parliament ? If all the Colonists are to be taxed at pleasure without any representative in Parliament, what will there be to distinguish them in point of liberty from the subjects of the most absolute prince ? For besides maintaining internal provincial civil government, among themselves, they must pay towards the support of the national civil and military governments in Great-Britain. Now it is conceived that no people on earth are doubly taxed for the support of government.

“ If it should be said that the late acquisitions in Canada are beneficial to the trade of the Colonies, it is certain that these conquests will add to the commerce of Great-Britain, but is not of any particular advantage to that of the Colonies. We reap nothing from these conquests of his Majesty’s arms, to which we have contributed so much, but what is common to all his Majesty’s loyal subjects, except a more immediate security arising from a power equally hostile, though not equally dangerous to all parts of his
Majesty’s

Majesty's dominions, being depressed, and made to ask their peace of his Majesty's goodness."

'They complained of the rapid manner in which resolutions were passed into acts of Parliament. This was done before they could receive information of their existing. Every charter privilege, they observed, might be taken from the Colonies by an appendix to a money bill, which it seems, by the rules on the other side of the water, must not at any rate be petitioned against. To what purpose would an opposition to any resolutions of the ministry be, if they were passed with such rapidity, as to render it impossible for the Colonies to be apprized of them before they received the sanction of an act of Parliament?

As to the deferring of the stamp act they observed, that the offer of suspending it in the manner and upon the condition mentioned amounted to no more than this, that if the Colonies would not tax themselves as they might be directed, the Parliament would tax them.

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The fixing the duty on molasses at three pence per gallon seemed to them repugnant to the assurances given from the ministry, that the Colonies were not to be taxed for the support of the government at home ; for if America were to be taxed for her own government and more immediate protection only, and two pence might yield enough for that, to what purpose would it be to lay three pence ? and the duty, in all good policy, should have been low at first, if it was right to lay any, and it might have been increased by degrees as it would bear. But the business, if it would bear any thing, would admit only of a light duty.

They observed that Ireland was a conquered country, which was not the case with the northern Colonies, except Canada ; yet no duties had been levied by the British Parliament on Ireland. No internal nor external taxes had been assessed upon them but by their own Parliament, although many prohibitions had been made : that the laying of these on dominions not represented in Parliament should be exercised with great moderation, but that this had better be exercised with the utmost rigour than the power of
taxing :

taxing : for that this last was the grand barrier of British liberty ; which if once broken down, all was lost : that, in a word, a people might be free and tolerably happy without a particular branch of trade, but without the privilege of assessing their own taxes, they could be neither.

These instructions were accompanied with a brief state of the rights of the Colonies, and were ordered to be entered on the journals. The House then made choice of a committee to sit in the recess of the Court, and write to the other governments, to acquaint them with these instructions, and to desire the several Assemblies on the continent to join with them in the same measures for obtaining a repeal of the sugar act, and preventing a stamp act, or any other impositions and taxes, upon this and the other American Provinces.

June.

The resolutions adopted by the House of Representatives at the present session, and particularly that which invited the other Colonies to associate in their opposition to the ministerial system of revenue, constituted an important leading measure in the revolution of

of the country. It was a declaration of rights, and a proclamation of political war between the patriots and the friends of the British government in Massachusetts. The bold and oppressive act of Parliament, which was about to come into force, and the still more oppressive and impolitic scheme of the threatened stamp act, prepared the minds of the merchants at first, and afterwards of the inland inhabitants for the unequivocal opposition which was to be expected to parliamentary authority. Yet this opposition was not so ripened, as to enable the patriotic party to gain such a victory by the mere strength of their superiority in numbers. Address was found to be necessary in the defence, as it had been frequently used in the attack upon the rights of the Colonists; and the advantage of opportunity perhaps gave them their ascendancy at this juncture. The instructions were passed at the last day but one of the session: and the management of Mr. Hutchinson was evaded by his previously going upon the circuits, accompanied by some of the members of the same opinions with himself, whilst others had withdrawn to their several towns. He was undoubtedly much chagrined by the surprise, and considered it
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as connected with his loss of the agency ; since he asserted, that had he been chosen, very few members would have desired to clog him with instructions so inconsistent with his own sentiments. But his hope of the agency had now vanished, not only from the complexion of the House of Representatives, but from a denial of his request to the King for leave of absence from the Province. The evil of his defeat therefore, consisted in the loss of that general influence and success, which it was necessary for him to preserve, in reality or in appearance, for other purposes of still more magnitude, which, it is highly probable, he now began to contemplate. He accordingly reprobated this step, so rash in his view, particularly the madness, as he termed it, of inserting the instructions on the journals of the House, and directed his whole policy to counteracting its effects.

Governor Bernard probably foresaw that the most respectable opposition to the ministry might arise from the General Court ; and it was his plan to draw their attention from the obnoxious proceedings of Parliament,

ment, whilst they were sitting, and to preserve every appearance of reason for omitting to call them together again, until as fair a chance as possible could be given to the operation of the act for raising a revenue in the Colonies. Accordingly when he opened this session, he spoke only of the condition of the eastern country, and afterwards gave a minute statement of the numbers and force of the several Indian tribes, and recommended a conference with them. This, if agreed to, would have made it necessary for him to have been in that part of the Province, and to have delayed calling the General Court together for some considerable time. But the House avoided this plan, by assuring the Governor of their most grateful sense of that sincere regard to the interest of the Province, which his Excellency had expressed; but that, with all due submission, they did not apprehend those Indians to be formidable enough to occasion any apprehension of danger from their irruptions; and as their dispositions appeared pacific, and such a conference would create so great an expense, as, in the present state of the Province, would be very inconvenient, they did not think it necessary or expedient to make provision for it.

it. This determination of the House put the Governor upon the expedient of effecting the necessary delay by making a visit to the island of Mount-Desert, which had been granted to him by the General Court.

The House of Representatives having finished the business of instructions to the agent, referred the consideration of choosing a person to be joined with Mr. Mauduit until the next sitting; and the General Assembly was the next day prorogued to the 25th of July, June 15. without any observations of censure or praise from the Governor.

In the recess a full opportunity was given for the measures of Parliament to operate upon the public mind.

No people were better instructed in the nature of their rights than those of Massachusetts. The nation, from which they descended, stood distinguished in Europe for its exemption from many restraints upon liberty, which the others continued to endure. Its laws had been gradually disentangled from most of the galling fetters imposed by feudal tenures, whilst they resisted
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with considerable effect the principles of the Roman code. Commerce had ameliorated the fastidious pride of the military spirit; and industrious enterprize raised herself by the side of national glory. Her foundation was freedom, and her success depended upon an unremitting vigilance and decided suppression of tyranny. Emanating from such enlightened policy, and partaking of all its rapid subsequent improvements, the British Colonists may be said to have been instructed in the wisest age, and in the most perfect political principles which the world had known. Their emigration, taken in all its circumstances, was without precedent. It consequently produced new cases, founded on unsettled principles, at every stage of its advancement. In the beginning they were considered as no part of the realm, in the view of the constitution; and held their charters of the King as his liege subjects. When the Parliament participated of the sovereignty, the Colonies, becoming the dominions of the realm, were made liable to its laws. These were acknowledged, until they were grounded on the violation of that great maxim of British freedom, that taxation and representation were correlative.

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We have seen with what expertness, understanding, and fortitude the people of Massachusetts managed these questions in defence of their charter, and the various incidental disputes, which took place with their Governors, and, in some instances, with the Council. To their information upon constitutional points, and acuteness in controversy, their local situation compelled them to add the strictest frugality in the expenditure of public money. Rich in freedom and strong by industry, they were compelled by a reluctant foil to the unremitting exercise of the one in order to preserve the other. From wealth they could receive little assistance: trade, which regulates the current of money, was carried on at the will of the parent country; and she restricted the extent of it by the supplies of her manufactures, which her accommodation might dictate to be sent to the Colonies. In the chance of a war, invitations arose for greater commercial enterprize; but the gains were dearly purchased with the introduction of luxury, which by increasing the artificial wants of the inhabitants, left the balance against the country on the whole. To a people thus situated a tax was instantly and universally felt.

felt. It was a demand for the food and the raiment of the poor : it pervaded the recesses of frugal contentment : it awakened the jealousy of inquisitive speculation : it roused the anger of liberty.

These peculiarities in the circumstances and character of the inhabitants of Massachusetts dictated the mode of resisting the impending system of revenue and taxation of the Parliament of Great-Britain.

Recourse to arms was not meditated. A retrenchment in the use of foreign articles, especially at funerals, the encouragement of their own manufactures, and the consequent reduction of importations from England, were the expedients resorted to. This was to advance their own country at the expense of a powerful interest in the parent state, which might influence the ministry to reconsider and repeal their acts. Nor was the state of American manufactures unpropitious to such measures. The smelting of iron ore had been brought to such perfection, as greatly to check the importation of it from foreign countries. Pot-ash had become a considerable article of exportation ;
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and the making of coarse woollens had so prevailed as to afford essential aid in clothing. Associations for encouraging these objects were commenced and afterwards generally agreed upon ; whilst a band of literary patriots martialled themselves round the standard of liberty, and boldly defended it by arguments drawn from the sound principles of the British constitution and provincial charters.

The Governor pursued his plan of procrastinating the session of the General Court. He prorogued it by three several proclamations until the 18th of October, by which time the clamor had become violent. He was charged with disabling the people in their attempts to defend their rights through the General Court ; and as public letters were known to have been received from their agent, it was suggested that he availed himself of the recess to anticipate an answer to the minister before they should be considered by the Assembly ; and that it would be soon demonstrated that he was the author of the nefarious scheme of taxation. Even the manner in which the island of Mount-Desert was obtained was held up to view, since

since it now served for a pretext to postpone the proper means of defending the rights of the Province which granted it.

Notwithstanding the delay which had taken place, the Governor in his speech reminded the members of the General Court, that he had called them together earlier than he had expressed his intention to have been at the former session, as several gentlemen of both Houses had signified to him their apprehensions that some further provisions were necessary for the maintaining of the territorial rights and commercial interests of the Province: that he should leave them to their own deliberations, since he might be thought not impartial and independent enough to be their counsellor; and recommended unity, prudence, and moderation.

The members of the House justly represented the interests and feelings of their constituents. After referring over business of a private nature, they applied themselves to the drawing of an address to the King upon the subject of the late act of Parliament. The tenor of this was wholly incompatible with

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with the ideas of Mr. Hutchinson and his party ; who therefore made a firm opposition to it in the Council. This produced a conference, at which he was first manager on their part ; and afterwards a committee of both Houses, in which he exerted all his talents to defeat the address to the King, and finally converted it into a petition to the House of Commons, clothed in language which the haughtiest burghers in England might have deigned to hear, and supplicating a continuance of the privileges which the Colony had enjoyed as a matter of mere grace and favour. The objections to the revenue law were coldly stated on the ground of injury to the fisheries, and a consequent reduction of the means of paying for British manufactures ; and the arguments against the future stamp act were drawn from the inconvenience that would result from draining the Colonies of money, which must conduce to the same evil : and so, upon the whole, that Great-Britain would lose more from the diminution of her manufactures, than all the sums which it was possible for the Colonies thus to pay could countervail. In short, the ideas of this petition

appeared

appeared to follow exactly the dictates of the agent ; and it concluded with a prayer that time might be granted, in order that the petitioners in conjunction with the other governments might have opportunity to make a more full representation of the state and condition of the Colonies, and the interest of Great-Britain with regard to them. Nothing was said of the right of Parliament to impose the tax, nor of the disposition of the Colonists to avoid the operation of it.

During the debates upon this subject, the Governor communicated a letter from the Earl of Halifax, signifying the King's displeasure at the conduct of the Assemblies in New-England, in refusing or delaying to comply with General Gage's requisition for men. The House referred the consideration of this to the next session ; and the peace, which was soon after concluded with the Indians, made this communication of no further importance, than the influence which it might have had upon the members at this critical juncture ; and raising a new argument from the backwardness of the House to act conclusively upon it, in favour of his Majesty's establishing a standing force within

within the Colonies for defending them at their own expence. But the petition is fairly to be attributed to Mr. Hutchinson's address. Having wearied the committee with a tedious opposition of ten days, and embarrassed the House by the counteracting votes of the Council, he obtained a petition wholly destitute of the spirit displayed in the instructions to the agent at the last session. He then became solicitous to wipe off any misconstruction in England of what would appear by the records, his being at the head of a committee upon an affair of such a nature. In order to effect this, he offered to a correspondent of a public character, as an apology for drawing the petition, his fears that the Court would unite in something worse. He shewed his services in convincing the majority of the members of the imprudence attending every measure, which looked like opposition to the determinations of Parliament : and he made use of the same occasion to propose resigning his commission as Lieutenant-Governor, whenever a new Governor should be appointed, and lodging a letter of resignation in the hands of his friend to be used, when the event might require.

Hutchinson's M. S.
copy of his
letter to Mr.
Jackson,
Nov. 5,
1764.

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The public business was closed by an address to the Governor, in which the two Houses stated the grievances they apprehended themselves to be under from the late act of Parliament, nearly in the same manner as related in their application to the House of Commons, dividing them into such as affected the civil rights and such as related to the commercial interests of the Colonies. The trials by the courts of Admiralty were of the first kind, and were the more alarming, as, according to the practice of that court, the Judge and officers had a twentieth part of the whole value of the articles condemned, but in case of acquittal, were entitled only to customary fees; the manifest tendency of which was to procure decrees of condemnation, where there was no just cause of seizure. The grievances of the second kind were the effect of the act upon the fishery, and the exportation of lumber, which was restricted to Great-Britain. From the injury of the colonial commerce the evil consequences upon the interests of Great-Britain were easily adduced. His Excellency was requested to lay these observations, and a copy of the petition to the House of Commons, before his Majesty's ministers,

ministers, and to represent to them the grievances mentioned to arise from the late act, and apprehended to be the probable result of a stamp duty, and earnestly to beseech the favour of their great influence to ease them of the burden of the one, and remove from them the apprehensions of the other.

The proceedings at this session shew how extremely difficult it was for the British ministry to obtain just information of the spirit and views of the Colonists, if it were the subject of real inquiry. Their representatives were made to speak a language far short of their alarms, and to place their rights upon little better footing than that of indulgence. The mode in which this was brought about, it was the interest of the agents to misrepresent or conceal. Party spirit prevailed, and it is not wonderful that the affairs of America should be seen through its false medium, fixing objects in a wrong point of view by refracting them from the line of truth ; and, instead of an exact image presenting a distorted and delusive figure to the eye of the transatlantic spectator.

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The General Court had scarcely risen, when copies of the address and memorials to the King, Lords, and Commons, from the Province of Virginia, were laid before the public. Those from New-York had been previously received. The independent spirit displayed in these applications; the energy with which the American rights were stated and maintained, and the conclusive force of the arguments formed an humiliating contrast in the minds of the warm patriots, between them and the petition from their own Province. They complained of diffidence and want of zeal in their Legislature. But their opponents on the other hand saw nothing advantageous to the country in this lofty style, which they thought amounted to folly and madness; that there could be no useful purpose answered in claiming an exemption from taxes, when the whole body of the people of England, who had the power, was against the Colonies; that these noble sentiments, as they were called, had determined the ministry immediately to make it a point, whether the nation or the Americans should conquer: and it was the most to be lamented, that

that these rash high flying petitioners would not suffer alone, but must involve in their fate those, who were not less firm, though more moderate. The arguments of this party at home were aided by a communication to a correspondent of their leader in England, suggesting a hope that the agent for New-York would excuse himself from presenting their petition or from making it public, as it was reported he had orders to do, let his instructions be what they might. Whilst the zealous controversialists thus opposed each other, all rational men drew a just conclusion from the unequal if not discordant tenor of the petitions from the several Provinces, that there was a necessity of some common Assembly who should deliberate and unitedly declare the unequivocal voice of all British America.

Hutchinson's M. S.
letter-book,
Nov. 1764.

CHAP. VIII.

Dispute between the Council and House respecting the form of passing a resolve—Extraordinary grant to the Chief Justice carried by one vote only—Richard Jackson, jun. chosen agent in the room of Mr. Mauduit—Stamp Act passed—Proceedings of the House of Representatives—Meeting of a General Congress at New-York recommended—Delegates chosen in Massachusetts—Observations on the ministerial pretences of taxing the Colonies, published at New-York—Resolutions of the Virginia Assembly—Acts of the people—Riots in Boston—Lieutenant-Governor Hutchinson's house destroyed.

1765.

THE Province of Massachusetts Bay having put herself in a supplicating attitude before the House of Commons, nothing now remained, but to wait the issue of her petition. This could not be known when the Governor called the General Court together at the winter session. Their proceedings were, of course, little connected with
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Jan. 9.

the subject of the late controversy ; and their communications with the Governor wore that conciliatory appearance, which naturally resulted from a state of expectation founded on the effect of a humble experiment. He congratulated them upon the subsiding of the troublesome appearances, which had arisen from some ill-advised encroachments by certain French and Spanish commanders, that had been disavowed by their respective courts, and upon the happy termination of the Indian war, in an honourable and safe manner. He informed them that he had recommended to the favour of his Majesty's ministers the petition which they had prepared ; and that he flattered himself that their representations would receive great weight from the dutiful manner in which they were formed ; concluding that the late exemplary instances of their unanimity, prudence, and moderation, in times of difficulty and distrust, would distinguish them to their advantage, would confirm the reputation they had hitherto acquired, and give assurance of their resolution to support it by their future conduct.

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The Council and House of Representatives, in their answer to the Governor's speech, took great care not to counteract their late pacific proceedings. After returning the congratulations upon the removal of hostile appearances with France and Spain, and the termination of the Indian war, they observed upon the subject of their petition, that they flattered themselves, that their representations would have success, not only from the dutiful manner in which they were formed, but from the necessary connexion which there was between the interest of the nation and the success of that petition, it being a demonstrable truth, that the national interest would be best promoted and secured by encouraging the trade of the Colonies. If that prospered or declined, so would the trade of Great-Britain, but in a greater proportion. That her power and wealth, however great, were still in their minority compared with what, it was probable, they would one day be, if the trade and growth of her Colonies were not impeded.

They thanked the Governor for his declaration of promoting the real welfare of the Province consistently with its subordination
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to the kingdom of Great-Britain, and the common interest of the whole empire, in consistence with which, they hoped for his endeavours for that purpose, and pledged their inclinations conspiring with their duty, to give him their assistance.

They agreed that the times were difficult, but they hoped that these were not times of distrust : they distrusted not the wisdom and goodness of Parliament, having with the Colonies in general often experienced the happy effects of both. On the same wisdom and goodness, next to the supreme, they still relied. As that respectable body had power, they humbly trusted their wisdom and goodness would exert it, to remove the embarrassments upon their trade, to which the difficulty of the times was owing : and if in his Excellency's estimation they had acquired any reputation hitherto, they hoped to support it by their future conduct ; at least to evince that they had done their best for that purpose.

Reasons sufficiently obvious led to the complacent disposition shewn by the House of Representatives to the Governor, and he reciprocated

reciprocated by approving of Mr. Otis as their Speaker pro tempore, in the room of Mr. White who was unable to keep the chair from indisposition. But these reasons did not extend to the Lieutenant-Governor, nor always to the Council, over whom he presided and whom he generally guided by his influence. This must account for a dispute, which took place between the two Houses, upon the mere form of passing a resolution, to authorize the Treasurer to continue drawing his bills of exchange in the name of Mr. Mauduit, notwithstanding the choice of Mr. Jackson. It originated in the House, and was concurred by the Council as taken into a new draught, in which the form of its originating in the House was preserved, as the custom has since been established. To this the House objected, and sent a message to inform the Board that it was usual for the House to originate their own resolves, and that they chose to continue in that practice. This necessarily produced a message in justification of the Council, in which they plead the uninterrupted practice of both Houses, in taking into a new draught any vote sent from one to the other, in order to save the trouble and perplexity

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ity which arose from a great number of amendments by marginal references : and that the Board not intending to prepare a vote to originate in the House, but to alter a vote before originated there, the House had no just occasion for sending such a message. In answer to which the House acknowledged the practice of drawing anew, but contended that one House had never made a draught for and in the name of the other, and then sent it to the other to act upon ; and they therefore thought that the Board had done something more than altering or amending the vote sent up. In the event, the Council originated and passed a new resolution, which the House non-concurred, and originated and passed another like it, with the variation of one immaterial word, and that perhaps by accident, in which the Council concurred, and so terminated the dispute.

Whilst the two Houses were thus contending about a form, the period arrived for making the annual grants to the civil officers. The extraordinary allowance, usually made to the Chief Justice of the Superiour Court for his peculiar services, came under consideration

consideration of course. This had been omitted for the three last years, and now met with strong opposition, most probably from the same principles, which must have been founded on Mr. Hutchinson's supposed political sentiments, since against his judicial conduct in general there was no ground of objection: it was just, intelligent, and popular. The question upon his grant was finally taken by yeas and nays, in the House, and was carried in the affirmative by a majority of only one vote.

But the most important business, which the General Court transacted at this session, was the choice of an agent in the room of Jasper Mauduit, Esq. who had requested to be excused on account of his declining health. The common cause of the continental Colonies greatly depended on the fidelity and exertions of the persons, whom they might employ in England. A powerful influence in the West-India planters was to be overcome, before a reduction of the duty on molasses could be effected; and a great interest relied on for procuring a repulsion of the stamp act was that of the merchants trading to America, whom the
agents

agents were to inform, persuade, and, if possible, bring to action. Mr. Mauduit had always despaired of the minister's renouncing the principle of taxing the Colonies, and expected nothing beyond the reduction of the duties ; nor did the other agents seem more sanguine, since, according to his account, some of them would not meet on the business, and just before the passing of the stamp act only one had come to him to facilitate their meeting. Whilst such languid and desponding feelings prevailed at the place of action, little was to be hoped for, unless vigour could be inspired from the spirit of the country. The Assembly, distrustful of servants placed at so great a distance, and finding the difficulty of removing them at pleasure, voted that the powers of any future agent should be limited to the term of three years, and then proceeded to the appointment. Mr. Hutchinson having withdrawn himself, there remained only Mr. Bollan, who had again offered his services, but whose accounts remained unsettled ; Israel Mauduit, the brother of the agent, who was suspected to be too much under ministerial influence ; and Richard Jackson, jun. a gentleman of the law in England, agent for Connecticut,

Jasper Mauduit's M. S. letter, Jan. 11, 1765.

Connecticut, and who was the particular friend of Governor Bernard, as well as the intimate correspondent of Mr. Hutchinson. In the event Mr. Bollan was given up, under pretence of keeping out Mr. Mauduit, and Mr. Jackson was chosen.

The respectful silence, which prevailed in Massachusetts during the supposed operation of their petition, was at length broken by the arrival of the parliamentary proceedings. On the seventh of February the House of Commons resolved, and it was afterwards enacted, that certain stamp duties should be imposed on the Colonies in America. If there were any who had confidence in the effect of the petition, what must have been their disappointment! How great was the victory of its opponents! How contemptuous the situation of its advocates! There was nothing saved by their friends in England, even in appearances, to justify their zeal for moderate measures. So impatient was the House of Commons in the exercise of their disputed right of taxation, that no member could be found to present the petitions from New-York and Virginia, and that from Massachusetts remained in the private

vate keeping of Mr. Jackson. The act itself was framed with so little regard to the ease and notions of the people, that if their enemies had any ground for charging them with restlessness and ambitious designs of independence, the reproach might have been fairly retorted, from the apparent attempt to provoke them to it by this memorable law. Beside the great amount of the duties imposed by it, they were laid upon objects of which the public opinion was naturally jealous. The indiscriminate rates affixed to papers at the probate offices, and the tax of two pounds upon every degree conferred by seminaries of learning, were evidence of this: and, in addition to all, the forfeitures for breaches of this and the other acts of revenue were made recoverable in the detested courts of Admiralty. It was in vain longer to attempt restraining the popular indignation. The effect of some alleviating measures which the ministry adopted was not now to be felt. It was of trifling consideration that American lumber was admitted to all the markets of Europe; and even a bounty allowed upon it, when imported into Britain; that the colour

Jasper Mauduit's letter,
Feb. 9, 1765.

colour for injurious exactions in the case of inland navigation between the Colonies was taken away ; that a project of some sugar bakers in the cities of London and Bristol for suppressing refining houses in America was stopped ; or that the threatened clause in the mutiny bill for quartering troops in private houses was renounced. The impending blow was too alarming to admit of attention to such inferior objects. If plucking the leaves from the tree of liberty had excited such agitations, what was to be expected, now the axe was laid at the root ?

Such was the magnitude of the evil at first, that all seemed to pause, as if at a loss to fix upon any measures for resisting it : and Mr. Hutchinson wrote that they were waiting, not to know whether they must submit to a stamp duty, but when it was to take place and under what regulations ; and what further provision was to be made, if the duty should fall short of raising the sums that the Colonies were to pay, which report had fixed at £330,000 sterling, including the West-Indian islands. How was the pause which gave rise to this apparent acquiescence misconstrued ! Instead of a sleep

Letter-book,
April 26,
1765.

sleep infused by the opiate of parliamentary power, it was like the silence which precedes an earthquake, and forboded the convulsions of a dreadful explosion to all the abettors of the ministerial projections.

Attempts were first made to unlock the restraints upon the language and proceedings of the General Court. The obstructions to this lay chiefly in the Council ; and Mr. Hutchinson was the principal of them. His removal therefore was to be persevered in ; and exertions were accordingly made to effect it, but as yet they proved ineffectual. He still remained at the helm of public affairs, directing them against the adverse force of popular opinion, until it rose to such a height, as to overwhelm him and his adherents in its irresistible violence.

Disturbed as the minds of the people were by the proceedings of Parliament, it seems impossible that the election of the old Counsellors could have been the unbiaſſed act of their representatives. Intrigue must have had its share in bringing about a state of things, which put the General Court into a situation so truly humiliating. Whilst the feelings

feelings of all men were alive to the critical and dangerous state of the country, they were fixed upon their seats to hear a speech from the Governor, in which the cause of the general alarm was not mentioned; and in answer to which it was not to be expected that the present Council could be induced to take it into view. He addressed them upon the manufacturing of pot-ashes, the raising of hemp, and carrying lumber to the British markets, which would furnish them with sufficient resources to pay for their imports, and prevent any occasion of vainly attempting to transfer manufactories from their settled abode. He told them that it was their happiness that their supreme legislature, the Parliament of Great-Britain, was the sanctuary of liberty and justice; and that the prince who presided over it, realized the idea of a patriot king: that they should then surely submit their opinions to the determinations of so august a body, and acquiesce in a perfect confidence that the rights of the members of the British empire would ever be safe in the hands of the conservators of the liberty of the whole.

So successfully was the cause of the advocates for the British government managed
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at the elections, that Mr. Hutchinson, encouraged by it, presented a memorial for an allowance for his services as Lieutenant-Governor, which was supported by a special message from the chair. But the House of Representatives voted that they would not commit them ; and that they would not make any grant to the memorialist.

Instead of answering the illusive speech of the Governor, the House proceeded to business of more importance to their constituents. After considering the difficulties of the Colonies, and what dutiful address it might be proper to make to his Majesty and the Parliament respecting the late laws, they proceeded to lay the foundation of the American Revolution : they voted that it was highly expedient there should be a meeting, as soon as might be, of committees from the Houses of Representatives or Burgesses in the several Colonies on this continent, to consult together on the present circumstances of the Colonies, and the difficulties to which they then were, and must be reduced by the operation of the late acts of Parliament for levying duties and taxes on the Colonies, and to consider of a general
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June 25.

and humble address to his Majesty and the Parliament, to implore relief: that the meeting should be held at New-York, on the first Tuesday of October following: and that letters be forthwith prepared and transmitted to the respective Speakers of the several Houses of Representatives or Burgeſſes, to advise them of this resolution, and to invite them to join by their committees in the meeting. The House then prepared the form of a circular letter and appointed a committee in behalf of Maſſachuſetts, conſiſting of James Otis, John Worthington, and Oliver Partridge, Eſquires; but Mr. Worthington excuſing himſelf from the ſervice, Timothy Ruggles, Eſq. was choſen in his room.

This meaſure was irrefiſtible by the Governor and his friends; it was too conſiſtent with the petition to the Houſe of Commons which they had effected, now to meet with their oppoſition; and the ſpirit of the people probably would not have borne with any further management in the General Court upon this ſubject. Mr. Hutchinson's party therefore acquieſced in what they could not prevent, and endeavoured to procure mem-
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bers for the committee who might be suitable to their views. How far they succeeded in this will be seen hereafter.

Upon the rising of the General Court, there was published, from the Gazette at New-York, observations upon the ministerial pretences of taxing the Colonies, in which the doctrine of virtual representation was refuted, and the power of Parliament strictly examined. After shewing the difference between the Colonies and the corporate towns and bodies in England, who had no share in the choice of members to Parliament, and demonstrating that as every distinct interest in a government ought to have its due weight in the administration of public affairs, so each of those interests should have the appointment of Representatives in number as near as might be proportionate to their interest in and importance to the government in general, this writer asserted, that where there was an entire inconsistency of interests, so that the benefit of one must necessarily be in the same degree hurtful to the other, that then these two interests could never unite in the same government; and applying this observation to the case of Great-Britain

June 25.

Britain and her Colonies, inferred that if their interests could not be made to coincide, (which he believed they might) if the same constitution might not take place in both, as it certainly ought; if the welfare of the mother country necessarily requires a sacrifice of the most valuable national rights of the Colonies, their right of making their own laws, and disposing of their own property by representatives of their own choosing; if such was really the case between Great-Britain and her Colonies, then the connexion between them ought to cease, and sooner or later must inevitably cease, and perhaps end in the total ruin of one or both of them: that the English government could not long act towards a part of its dominions upon principles diametrically opposite to its own, without losing itself in the slavery it would impose upon the Colonies, or teaching them to throw it off, and assert that freedom which was denied them by those, who had no better right to it than themselves. Upon the subject of a virtual representation this writer observed, that if persons here might be represented in England without their own choice; then by parity of reason, persons there might be represented here in the same manner.

manner. The laws passed in the Colonies, after obtaining the royal assent, were of equal force with acts of Parliament: so that the Colonists had as really a legislative power as the people of England, and therefore if they were to make acts of assembly to levy taxes upon the people of England, and obtain the royal assent to them, could any man tell why those acts should not be as binding upon the people of England as their acts were upon the Colonists? There was indeed a difference in the power to enforce the acts. If such an imposition would appear abominable to the people in England, let them be as tender of the Colonial rights, as they would wish the Colonists to be of their's under a reverse of power, and such a time might possibly come in future ages. Even though it should appear that there were several towns, corporations, and bodies of people in England, under similar circumstances to those of the Colonies (which he proved was not the case) yet that would only shew, that some of the people in England, as well as those in America, were injured and oppressed; but it would shew no sort of right for the oppression. It would shew that those places

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ought to join with the Americans in remonstrances to obtain redress of grievances. As to the dependency or independency of the Colonies, it was not conceived that those terms could be applicable to them. They were a part of the British dominions ; but could one part of a kingdom be said to be dependent on another, when all have the same common rights ? They have indeed a reciprocal dependence upon one another for assistance, conveniency, and security of their common and respective rights ; but they do not derive their rights from one another. From the Author of nature alone they receive them.

At the same time appeared the resolutions of the Virginia assembly, that his Majesty's liege people, the inhabitants of that Colony, were not bound to yield obedience to any law or ordinance whatever, designed to impose any taxation upon them, other than the laws or ordinances of their General Assembly.

These publications gave a great elevation to the spirits of the people ; and writers were not wanting within the Province to enforce similar political tenets, until a resolution seemed

seemed to be taken that opposition should assume a new appearance. Had the dispute respecting the stamp act been suffered to remain with the legislatures of the respective countries, the course of events might have been essentially different, and peace might have continued for many years longer. Such was the check upon the Governor allowed to the voters in Massachusetts, through their representatives, that they could have withheld all means of executing any act of Parliament, which was obnoxious to the people, whilst deeds of violence which might have afforded a pretext for introducing foreign troops to enforce the laws would have been avoided. But whether it was that the meeting of Commissioners at New-York was appointed too near the commencement of the stamp act, to produce any measures in season to prevent its operation ; or that it was feared the minds of the members might be shaken, so as to discover less firmness in asserting the rights of the Colonists than they ought ; or that the general impatience was too violent to wait for the issue of their proceedings, certain it is, the controversy was assumed by the people.

On the 14th of August an effigy was found hanging on a tree, afterwards well known by the name of liberty-tree, at the southerly part of the main street of Boston, with marks sufficiently indicative of its representing Andrew Oliver, Esq. the proposed distributor of stamps in the Province. Accompanying this were emblems intended for Lord Bute, and the wicked motives which suggested the odious acts of Parliament. Mr. Hutchinson, as Chief Justice of the Superiour Court, directed the Sheriff to take this pageantry away, and in case any persons should oppose him, to report their names, and a warrant should be granted to apprehend them. But the Sheriff's deputies thought it not safe to attempt cutting down the effigies, as they found the people had determined to take it in the evening and bury it in form. The Governor met the Council; and they thought that if this was suffered to be done, all would be quiet afterwards. At night a bier was prepared, and the images, being placed on it, were carried, amidst the acclamations of an immense collection of people, through the Court-house, whilst the Council were sitting in the chamber, down King-street, to a small brick building supposed to have

have been erected by Mr. Oliver for the reception of the stamps. This was quickly levelled with the ground, and all proceeded to Fort-Hill, near which stood Mr. Oliver's house, to burn the pageantry. Mr. Hutchinson and other friends of Mr. Oliver, finding his family to be in great terror, persuaded both to quit their dwelling, but remained themselves, which gave some appearance of opposition. An attack was made by breaking the windows and pulling down a fence, after which the people entered the house and destroyed part of the furniture. The Governor delivered an order to Mr. Hutchinson, at his request, and to be used at his discretion, directing the Colonel of the regiment in Boston to order it under arms. But Mr. Hutchinson afterwards preferred attempting to disperse the rioters by his own influence. They shewed him very little respect, and after compelling him to save himself by flight, which he did not effect without rough usage, they separated. On the next day Mr. Oliver thought it expedient to authorize several gentlemen to announce on the exchange, that he had declined having any concern with the office of Stamp-Master; but in the evening a bonfire was made,
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and a repetition of this declaration was found to be necessary for quieting the people who had assembled around it. When this was done, they drew off to the house of the Lieutenant-Governor, and shewed a strong disposition to assail it, demanding satisfaction from him relative to the report of his being in favour of the stamp act, and requiring his assurance that he was not. Mr. Hutchinson had secured his house, and having concealed himself within it, declined appearing. [A prudent citizen came forward, and undertook to be responsible that Mr. Hutchinson was not in favour of any act, which would be injurious to the country. He observed that they were about to ill treat a man, who had been forty years in its service, and reminded them how unreasonable it was that an officer in his station should be held accountable to them in such a manner. The persuasion of this man, who had an influence in town-meetings, induced the body to move off, and for this time saved further outrage.] Had the popular indignation stopped here, the degree of violence might have been considered as justified by the provocation; and such as was necessary to give a tone to the proceedings of the public agents. But this
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line was soon passed over, and the cause was essentially injured and disgraced by increased outrage and brutal destruction. Perhaps the sun of liberty must always rise in the mist of anarchy, and gradually dispel its noxious vapours, as he ascends to his meridian lustre.

After these disturbances Mr. Hutchinson retired to his house at Milton, and returned on the 26th of the month. There soon appeared symptoms of renewed tumults ; but it was supposed that he had received his share of popular displeasure. This however was a great miscalculation of its continuance and malignity. About twilight a bonfire in King-street was the signal for assembling ; and when the number of rioters had become sufficient, they proceeded to the house of William Story, Esq. Deputy Register of the Court of Vice-Admiralty, whose office was unpopular, and whose conduct was said to have given offence to many. This was laid open to their rage, and his private papers, as well as the records and files of the court, were consigned to the flames or otherwise destroyed. The house of Benjamin Hallowell, jun. Esq. Comptroller of the Customs, next met their fury. After breaking his windows

windows, they entered, destroyed his furniture, purloined his money and papers, and rioted on the liquors in his cellar, until intoxication heightened their rage to madness. Thus brutalized, they directed their course to the Lieutenant-Governor's dwelling, where his domestic happiness in the enjoyment of his children at once formed a striking contrast to their diabolical employment, and furnished desirable victims for their malice. This family circle was instantly dispersed, and after closing the house, Mr. Hutchinson was constrained to follow, by secret passages, to save his life. All was now delivered up to a triumphant demonocracy, which exercised its force effectually until day-light, when one of the best houses in the Province was presented in complete ruin, the very partitions being beat down, and nothing remaining but the naked walls and floors. The plate, family pictures, most of the furniture, wearing apparel, the books and manuscripts which had been thirty years collecting, with about £900 sterling, in cash, were stolen away or destroyed: so that, on the next day, when the want of a quorum of the Judges necessitated Mr. Hutchinson as Chief Justice to take his seat at the Superiour Court, he was obliged

obliged to appear in his only suit, and without the habiliments of his office.

All disavowed these infamous proceedings. The town of Boston on the next day voted unanimously, at a full meeting, that the Selectmen and magistrates be desired to use their utmost endeavours agreeable to law, to suppress the like disorders for the future, and that the freeholders and other inhabitants would do every thing in their power to assist them therein. And the magistrates with the Cadets and other military companies kept a night watch for the preservation of peace and order. The Governor likewise issued his proclamation, with the advice of Council, offering rewards for discovering any person concerned in either of the riots. These however had no effect, as very few were apprehended, and those who were, afterwards broke gaol and escaped.

False reports having preceded the commotions of the people, and it being now suggested that the stamped papers were, upon their arrival, to be lodged at the Castle, not merely for safe keeping, but to be thence distributed ;

tributed ; the Governor thought proper to make a declaration to the Council, in confirmation of what he had said in private, that he had no authority for distributing the stamped paper, and that he should not be so imprudent as to undertake a business to which he had no appointment, and make himself answerable for large sums of money, the receipt of which he could not attend to, and had no power to direct or order ; and this declaration was published at the request of the Council.

The period for trying the strength of parties in executing the stamp act was near at hand. The Governor having prorogued the General Court to the twenty-fifth of September, five days before the time assigned for the commencement of it, issued his proclamation for the punctual attendance of the members. Had the struggle come on under all the impressions made by the riots, without the influence of any external event, the advantage to the parliamentary cause must have been great. But advice was daily received of similar proceedings, though not so flagrant, in other Colonies, and the glad tidings of a change in the ministry arrived from

from England. These circumstances operated heavily against the Governor and his adherents, who could not have approved of the stamp act in the beginning, however they might have favoured the general principle of taxing America. It was too great a step for the outset; further advances should have been first made by external duties; and the encroachments upon internal taxation should have been directed and graduated with the most scrupulous attention to popular prejudice. But, let their opinions have been what they might, they determined upon exerting their utmost powers to enforce the act. They endeavoured to put the cause upon this ground, that either the stamp duty must be submitted to, or all trade must cease, and all courts and other lawful authority fall, and throw the whole community into confusion. Upon this principle the Governor collected all the arguments persuasive and terrific which the subject afforded, at the assembling of the General Court. He told them that the ordinary executive authority was much too weak to contradict the declarations which had been made and still subsisted, that the stamp act should not be executed within the Province, or to oppose the
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force by which they were supported. It had therefore been found necessary to call the whole legislative power in aid of the executive government, and that from this time the arduous business would be put into their hands, and it should become a Provincial concern : that the right of the Parliament of Great-Britain to make laws for the American Colonies, however it had been controverted in America, remained indisputable at Westminster.

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The Representatives immediately after the delivery of this speech raised a committee to frame an answer which might counteract its effect upon the people, and raised another committee to consider the affairs of the Province with reference to the operation of the stamp act, who reported that

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CHAP. IX.

Unfinished.

POLITICS frequently afford us cases, where effects are produced by remote and accidental causes ; and when there are insuperable impediments to the fair operation of reason and justice, some substitute arising from the passions or interests of men is found to bring about what a more honourable motive ought promptly to have executed : so that whilst we view on the one hand many laudable efforts fail of their objects, we see on the other many things expedient and right resulting from indifferent and unworthy designs. The repeal of the stamp act affords a striking example of this. It was not renounced because Parliament had not a right to impose it, nor because it was oppressive to those who were not obliged by law to bear it, nor from the important consideration of its alienating the affections of the whole British Colonies and its probable consequences of alienating their allegiance to the Crown ; but because Mr. Grenville, who
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was the author of it, disagreed with the King about making up a regency in case of * * * * * This threw him out of office, and the succeeding ministers repealed the law, with a thousand better reasons for doing so, because, he made it.

END OF VOL. II.

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